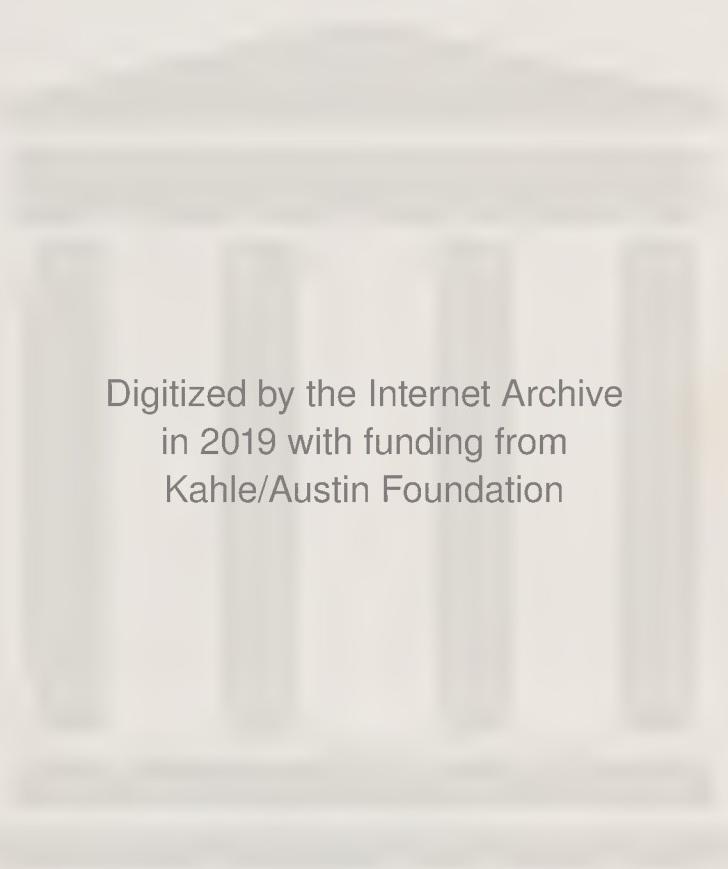


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FIFTEENTH REPORT, APPENDIX, PART VIII.

THE

M A N U S C R I P T S

OF HIS GRACE THE

DUKE OF BUCCLEUCH AND QUEENSBERRY, K.G., K.T.,

PRESERVED AT

DRUMLANRIG CASTLE.

Presented to both Houses of Parliament by Command of Her Majesty.



L O N D O N :

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THE MUNIMENTS OF HIS GRACE THE DUKE OF BUCCLEUCH AND QUEENSBERRY, K.T., IN THE CHARTER ROOM OF DRUMLANRIG CASTLE, IN THE COUNTY OF DUMFRIES.

Between the year 1388 when William Douglas was provided to the barony of Drumlanrig and the present year 1895 when his lineal heir and representative, on the female side, His Grace William-Henry Douglas-Scott, Duke of Buccleuch and Queensberry, possesses the barony, upwards of five hundred years have elapsed. During these five centuries Drumlanrig has been successively held by no less than eighteen generations in this line of descent. These have been so successful in their acquisition of other baronies and territories within the county, that a historian of the time of William, first Marquis and Duke of Queensberry notes that the landed estates which were erected into the Dukedom of his Grace were of prodigious extent. The peerages also which were created in favour of successive owners of the Drumlanrig estates were rapidly progressive from the humble baron to the higher titles in turn of Viscount of Drumlanrig, Earl of Queensberry, Marquis of Queensberry, and finally Duke of Queensberry.

In one instance, that of James, second Duke of Queensberry, commonly known as the Union Duke, from his zeal and ability in carrying through the Union between Scotland and England, for his services in this connection had another Dukedom, Marquise, and Earldom added to the Dukedom and Marquise of Queensberry which he inherited. He was created in 1708 a British peer by the title of Duke of Dover, Marquis of Beverley, and Earl of Rippon. His younger son, Charles, who succeeded him as third Duke of Queensberry, had also additional honours conferred upon him. He was in 1706 created Earl of Solway, Viscount of Tibberis, and Lord Douglas of Lockerbie, Dalveen, and Thornhill. His present representative, the seventh Duke of Queensberry, also inherits the Dukedom of Buccleuch.

With such a long line of ancestors and so many titles and territories to deal with, it would be out of place in a mere Report on historical documents which the Queensberry family have acquired from time to time, to enter into any minute biographical details of the successive heads or members of the Douglases of Queensberry. Necessary explanations, however, will be given on particular historical points and also on documents of special historical interest which emerge in the course of the Report.

The Douglases of Drumlanrig are a branch of the illustrious house of Douglas, Earls of Douglas. The barony of Drumlanrig before being acquired by William Douglas was an outlying territory of the still more ancient family of Mar, Earls of Mar. The extensive estates of the Earls of Mar lay chiefly in the Mar country and the Garioch, both in the county of Aberdeen. But the barony of Drumlanrig was also their

property. Thomas, Earl of Mar, the last of the male line of his family, was closely connected with William Douglas, the first Earl of Douglas. Thomas, Earl of Mar, had no children to succeed to his title and vast estates. William Douglas was married to Margaret of Mar, his only sister. On Mar's death, Douglas, his brother-in-law, succeeded by a special provision made by the former to the title of Mar. He also received with his wife the whole lands of the barony of Drumlanrig, and obtained a charter from King David the Second, confirming to him the barony of Drumlanrig. After the death of Thomas, Earl of Mar, the Earl of Douglas was designated William, Earl of Douglas and Mar, in numerous charters by the Crown to which he was a witness. William, first Earl of Douglas and Mar of the Douglas line, died in the year 1384, leaving Margaret of Mar, Countess of Douglas, his widow, and one son and one daughter. The son became James, Earl of Douglas and Mar in succession to his father, and in the lifetime of his mother. It was this James, Earl of Douglas and Mar, who was the hero of the famous battle of Otterburn or Chevy Chase in 1388. On his death at that battle he left two sons. He provided the barony of Drumlanrig to the elder son William, and the barony of Cavers in the county of Roxburgh to his second son, Archibald. The feudal writs by which the barony of Drumlanrig was acquired from the last Earl of Mar of the old line by William, Earl of Douglas, are still preserved in the charter room of Drumlanrig, and are here specially reported on as truly historical documents. They figured in the House of Lords as vital documents in the keenly contested claims to the title of the Earl of Mar made by Walter Coningsby, Earl of Kellie, as heir male of the Erskine family, and by Mr. Goodeve Erskine as heir of line. A leading member of the English Bar, Sir Roundell Palmer, afterwards the distinguished Lord Chancellor, Earl of Selborne, was counsel for Mr. Goodeve Erskine. In the printed case lodged by that gentleman, and bearing the name of Sir Roundell Palmer, it was stated without qualification that Margaret of Mar, the sister of the last Earl of Mar, was succeeded in the Mar title by her only son James as Earl of Mar. This alleged fact was at the foundation of the claim that the heiress of the Mar line inherited the Mar title and transmitted it to her son on her death.

The important documents here reported on establish the fact that instead of predeceasing her husband, William, first Earl of Douglas, she survived him and married as her second husband Sir John Swinton of Swinton, while her son having survived his father inherited the two titles of Douglas and Mar. These facts were clearly established when the Drumlanrig charters in question were produced in the House of Lords.

The earliest known mention of the barony of Drumlanrig is in the time of King David the Second in a charter granted by that Sovereign to William, Lord of Douglas, of the lands which belonged to James, Lord of Douglas, his uncle, and Archibald of Douglas, his father. This charter is dated 12 February 1354. Among the lands which it enumerates as transmitted to William, Lord of Douglas, from these two progenitors are the lands of the barony of Drumlanrig.* This was during the Mar proprietorship of the lands. The Mar Burn, Mar Park, and other similar local designations, are traces of this ownership which have come down to the present day.

There is not, however, so far as known, any trace of a Manor, Mansion-house, or Castle erected in the barony of Drumlanrig at so

* The Douglas Book, Vol. III., p. 360.

early a period as that now named. The earliest mention of the Castle of Drumlanrig is on 29 May 1429 in an Indenture made at Myddilham between William of Douglas, Lord of Drumlanrig, and William of Douglas, Lord of Leswalt. By the terms of this Indenture, which is printed in this Report (No. 5), the latter was to deliver to Douglas of Drumlanrig the Castle of Drumlanrig which he held from him for the period of ten years. But Douglas of Leswalt was to have free use of and entry into the Castle, with many or few, whatever time he desired; and Douglas of Drumlanrig had the same liberty accorded him with reference to the Castle of Lochinall (Lochnaw) belonging to Douglas of Leswalt. By this arrangement it is evident that Drumlanrig Castle had not for a number of years at least been used by Douglas of Drumlanrig as a residence. Perhaps it was too near to the fortified Castle of Tibbers, which was situated in the immediate neighbourhood in the Park of Drumlanrig and was one of the watch towers of the ancient family of Dunbar, Earls of March, Wardens of the Marches. Tibbers was at this time in the hands of the Maitland family as the representatives of the Dunbars, and it required protracted negotiation on the part of the Douglases of Drumlanrig to acquire possession of it.

Sir William Douglas, first of Drumlanrig, inherited the martial spirit of his Douglas ancestors. His life was one of great activity from the time of his obtaining the barony of Drumlanrig in 1388 down to his death when fighting against the English in France in 1427. He signalised himself especially in 1411, in the taking, plundering, and burning of Roxburgh, then in the hands of the English. In 1412, he was appointed one of the Commissioners to treat for peace with the English, when a truce which was to last for six years was arranged. He was also one of the ambassadors commissioned by Albany, as Regent, to negotiate with King Henry the Fourth for the release of King James the First, at the time a prisoner in England. Between 1412 and 1416, he repeatedly proceeded to the Court of England on this business. He was held in much esteem by King James, and on one of those occasions he obtained from him a very remarkable charter confirming to him the lands of Drumlanrig, Hawick and Selkirk. The charter which is on vellum, and is dated at Croydon 30 November 1412, bears to be all written with the King's own proper hand.* George Crawford in his Peerage of Scotland, who gives the charter in full, says, it is "the very finest I ever saw."

In 1417, when the English party under the leadership of Sir John Oldcastle endeavoured to get the Scots to invade England during the absence of the King of England in France, it is alleged that William Douglas was approached on the subject at Pontefract, and promised a large amount of gold if he succeeded in bringing about the invasion. A raid, known as "The Foul Raid," was made into England, but it was abandoned before anything was accomplished.

In 1420, Sir William Douglas visited King James in France. But there is nothing to shew that he fought against the English at that time. He, however, seven years later, fell in fighting against them at the battle of Agincourt.

Sir William Douglas was succeeded in Drumlanrig in 1427 by his son, also William Douglas, and a man of arms. William Douglas of Drumlanrig was in the same year sent to England as one of the hostages

* A facsimile of the charter is given in "The Scotts of Buccleuch," and in "The Douglas Book."

for King James the First. He joined the Earls of Douglas and Ormond, and took part in 1448 in the sanguinary conflict with the English, near the river Sark in Annandale in which they defeated the English. He was succeeded at his death in 1458 by his son the third William Douglas of Drumlanrig, who was also a man of arms. He distinguished himself at the siege of Roxburgh in December 1460, when King James the Second was killed by the bursting of a cannon. He was also actively engaged in the relief of the French garrison at Alnwick in 1462, although the English army commanded by King Edward the Fourth in person was twice the number of the force under Angus. William Douglas died in 1464, and was succeeded by his son Sir William Douglas, the fourth of Drumlanrig, who was killed at the battle of Kirkeconnel in Dumfriesshire in 1484 when fighting in the royal army repelling the invasion of Scotland by the Duke of Albany and the Earl of Douglas. His son and successor, James Douglas appears to have led a quieter life during his inheritance of Drumlanrig from 1484 to 1498. Sir William Douglas, his son, sixth of Drumlanrig was the first of the barons who made extensive additions to the landed possessions of the family. These include, among other lands, the baronies of Tibbers and Hawick acquired by him in 1509 and 1511 respectively. He also obtained in 1492, in the lifetime of his father, a crown charter of the barony and castle of Drumlanrig. The charter contained a clause reserving to James Douglas, his father, the frank tenement or liferent of the barony and castle. He fell at the battle of Flodden on 9 September 1513.

His son, Sir James Douglas, was the seventh baron of Drumlanrig. His long life of eighty years was an active and stirring one both in the public service, and in his private affairs. He was knighted in or about 1550 by the Duke of Chatelherault, as Regent of Scotland, who also in 1553 appointed him guardian of the West Marches, with powers of Justiciary and the use of the Castle of Lochmaben during his wardency. He conducted the affairs of that important office for many years with great wisdom and discretion. He was one of the Barons who subscribed the Book of Discipline at the Convention of Estates in 1561. He was at the battle of Langside under the Regent Moray in 1568. He visited and had conference with John Knox when on his deathbed in 1572. He had a large family of sons and daughters. His eldest son William Douglas, who had the territorial title of "Hawick," predeceased his father in the year 1572, leaving a son, Sir James Douglas, the eighth baron of Drumlanrig, who succeeded his grandfather, Sir James Douglas in 1578.

In the year 1571, William of Hawick and his father, Sir James, had some controversy with the Laird of Wormeston, who, by the connivance of Lord Herries, captured old Sir James, then verging on eighty years of age, and his son William had a narrow escape of being captured also. Calderwood, the historian, in his history of the year 1571, has an account of the capture of Sir James Douglas on Saturday the 23rd of June. The historian says, "Old Dumlanrig was taken as he was riding home for some bussinesse betwixt him and the Lord Hercis, and others who were at varaince. The Lord Hercis appointed to meete him at the same place where the Laird of Wormeston lay waiting for him. Young Dumlanrig and Applegirth escaped narrowlie."* In a footnote it is added, "Old Dumlanrig not being certain whether his son had escaped or not sent to him the following singular epistle:—

* Calderwood's History of the Kirk of Scotland, Vol III., p. 105.

'Willie, Thou sall wit that I am haill and feare. Send me w提醒
thaifoir how thou art whether deid or livand? Gif thou be deid, I
doubt not but freindis will let me know the treuth, and gif thou be
weil, I desyre na mair,' &c. He showed this letter to his captors
that they might be sure it contained no treason; and to save his
purse, he sent it with the letter desiring the messenger to deliver it
to his son."

Upon the succession of this Sir James to his grandfather, a detailed Inventory of all his charter muniments was made by Sir John Tailzeour, parson of Cummertrees, and servant to the late Sir James Douglas of Drumlanrig, and a notary public, who appears to have been entrusted with the family charter "Kist." The inventory bears testimony to the activity and zeal of the late Sir James in acquiring lands, and building houses, towers, and the "pallace" of Drumlanrig. The following is an excerpt from the Inventory:—

"The Buke off the Inue[n]toure of the haill euidentis of James Douglas of Drumlanrig, Knycht, quha departit to God the xxvij day of December, the yeir of God I^m V^e lxxvij yeirs; quha wes borne in the yeir of God I^m four hundreth four scoir xvij yeris, and levit be the space off four scoir yeris or thairby: quha beildit the haill hous and pallie of Drumlanrig, and conqueist in propirtie the v lib. land of Ardoch, Knektoune, Altoun and Crarie, within the said baronie, the hous and toure of Hawik, and conqueist the Sowtre landis in Hawik, and coft and conqueist the xlviij lib. landis of Ros, the xx shilling land of Reidhaw, the xx shilling land of Templand, the xl shilling land of Glenmaid, and beildit the place and toure of the Ros; and alsua conqueist the halff of the nyne scoir merk landis of Mouswald extendand to four scoir ten merk landis; reformat the Toure of Mouswald; and alsua conqueist the tuentie merk land of Kirkhope and Quhitecampe, and beildit the hous and Toure of Kirkhope and the hous and toure of Loeharben, and alsua coft ane merk lande of Polvadoche of the baronie of Grenane, marcheand with Poskcocht on the heid of the Water of Skar. And alsua ane Inue[n]tour of the sesingis and infectementis of Schir Williame Douglas of Hawik, Knycht, his sone, quha conqueist the landis off Bagbie in Lowthiane, and alsua the inue[n]toure and the prouisioun and new infectementis of the haill landis aboue writtin, maid to James Douglas of Drumlangrig, sone to the saide vnuhile Schir Williame, and oy to the said Schir James. The saidis euidentis in cure and keiping of the charter kist of the samin in the handis of Schir Johnne Tailzeour, persoun off Cummertrees, servand to the said vnuhile Schir James, and deliuering be him to James Douglas of Drumlangrig, oy foirsaid, and to Mr. Robert Douglas, provest of Linelouden, and Mr. Johnne Douglas of Craigincwne, curatouris to the said James, as the particularis vnderwriddin, ressauit and put againe in the said charter kist beris, and deliuering at Drumlangrig the day off the yeir of God ane thousandc five hundrethe yeiris, togidder with diuers vtheris euidentis, writtis, acquittances, contractis and letters of takis vnminute, quhilk ar in the said Charter Kist."

Sir James Douglas, the second of that name, and eighth of Drumlanrig, after his succession to his grandfather in 1578, acquired additional lands, which with those inherited by him were united into the barony and regality of Drumlanrig by Crown charter, 13 April 1609. He was one of the barons who sat in the General Assembly held at Edinburgh in 1610. He died in 1615, and was succeeded by his eldest son, Sir William Douglas, who acquired many other lands and baronies, ineluding the barony of Morton, and the whole barony of

Sanquhar from William, first Earl of Dumfries. When King James the Sixth visited Scotland in 1617 he was entertained at the Mansion of Drumlanrig.

Sir William was in favour with King Charles the First as he had been with King James the Sixth. Ten years after his entertainment of King James the Sixth, King Charles the First, soon after his succession, raised Sir William Douglas to the peerage under the title of Viscount of Drumlanrig, Lord Douglas of Hawick and Tibberis, to him and his heirs male by patent dated at Whitehall, 1 April 1628. Among other peerages which King Charles the First created when he visited Scotland in 1633, he was pleased to advance the Viscount of Drumlanrig to be Earl of Queensberry, by patent dated at Seton, 13 June 1633. According to a practice at the time of taking the name of titles from mountains, the new title of Earl of Queensberry was taken from the high mountain of that name situated in the parish of Closeburn and county of Dumfries, and from its summit splendid views of Nithsdale and Annandale and surrounding districts are obtained. Situated in a chain of mountains, it has been called the "Queen Hill" of the district, although it is not quite so high as the neighbouring mountains of Hartfell, which was one of the titles of the first Johnstone Earl of Annandale.

The Earl died on 8th March 1640. He was succeeded by his eldest son James, second Earl of Queensberry, who added largely to the family estates by purchasing the lands of Kininmont, Loeharwood, Cummers trees and many others, and the patronages of the parish churches of Morton, Kirkmichael, Kirkbride, Gleneairn, Durrisdeer, Tynron, Garvald, Cummertrees, Ecclesfehan, Terregles, Loerutton, Kirkbayne, Colvend and Carlaveroek.

This second Earl of Queensberry was the father of William, the third Earl of Queensberry, who was created successively Marquis of Queensberry and Duke of Queensberry. He held very high offices under King Charles the Second and King James the Seventh, and his eldest son James, second Duke of Queensberry and first Duke of Dover was, as already stated, commonly known as the "Union" Duke. The succeeding Dukes of Queensberry down to the present Duke, who is also Duke of Buccleuch, are matter of history, and do not require to be particularly noticed in this first Report. The Muniments relating specially to the first Duke of Queensberry and his successors will require a Second Report.

**HEAD FIRST.—ROYAL and other CHARTERS transferring the BARONY of DRUMLANRIG from the EARLS OF MAR to the EARLS OF DOUGLAS.
1357—1429.**

1. CHARTER by David the Second, King of Scots, to William, lord of Douglas, knight, of all lands in which James, lord of Douglas, his uncle, and Archibald of Douglas, his father, died infest; and also the barony of Drumlanguy, according to the charter by Thomas, Earl of Mar, and Margaret, his spouse, to the said William. 13 November, [1357].

Dauid, Dei graecia Rex Seottorum, omnibus probis hominibus toeius terre sue, clericis et layeis, salutem. Seiatis nos eonecessisse et hac presenti carta nostra eonfirmasse dilecto et fideli nostro, Willelmo, domino de Douglas, militi, omnes terras, redditus et possessiones vniuersas eum pertineneis, per totum regnum nostrum, de quibus Jacobus, dominus de Douglas, auunculus suus, et Archibaldus de

Douglas, pater suus, milites, obierunt vestiti et saysiti vt dc feodo, secundum tenorem cartarum eis inde confectarum: Tenendas et habendas eidem Willelmo domino de Douglas et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, adeo libere et quiete, plenarie, integre et honorifice, cum omnibus libertatibus, commoditatibus, aysiamentis et iustis pertinencis suis quibuscunque, sicut carte siuc literc eisdem quondam Jacobo domiuo de Douglas, auunculo suo, et Archibaldo de Douglas, patri suo, plenius proportant et testantur. Confirmauimus eeiam eidem Willelmo domino de Douglas per presentem cartam uostram omnes terras baronic de Drumlangryg cum pertincniis, tenendas et habendas eidem Willelmo domino de Douglas, et heredibus suis, adeo libere et quiete, plenarie, integre et houorifice, cum omnibus libertatibus, commoditatibus, aysiamentis et iustis pertiueneis suis, omnibus et singulis, sicut earta dilecti consanguinei nostri, Thome, comitis Marrie, eidem Willelmo domino de Douglas et Margarete, sponse sue, eonsanguine[e] nostre inde confecta, plenius proprotat et testatur. In cuius rei testimonium presenti carte nostre sigillum nostrum precepiinus apponi: Testibus, venerabilibus in Christo patribus, Willelmo, Willelmo et Patrieio, ecclesiarum Dei gracia episcopis Sancti Andree, Glasguensis et Breychynensis, Roberto senescallo Scocie, comite de Stratherne, Patricio de Dunbarre eomite Marchie et Moraui, consanguineo nostro, Willelmo de Leuyngstoun et Roberto de Irskyn, militibus, in eonsilio nostro ibidem tento, tercio decimo die Nouembris, anno regni nostri vicesimo octauo. [Seal wanting.]

Translation of the foregoing charter.

David by the grace of God King of Scots to all good men of his whole land, clergy and laity, greeting: Know ye that we have granted and by this our present charter confirmed to our beloved and faithful William, lord of Douglas, knight, all the lands, rents, and whole possessions, with the pertinents, throughout our whole kingdom, of which James, lord of Douglas, his uncle, and Archibald of Douglas, his father, knights, died vest and seized as of fee, according to the tenour of the charters thereupon made to them: to be held and had by the same William, lord of Douglas and his heirs of us and our heirs in fee and heritage, by all their right boundaries and divisions, as freely and quietly, fully, entirely and honourably, with all their liberties, commodities, easements and just pertinents whatsoever, as the charters or letters to the same deceased James, lord of Douglas, his uncle, and Archibald of Douglas, his father, more fully bear and testify. We have also confirmed to the same William, lord of Douglas, by our present charter all the lands of the barony of Drumlangryg, with the pertinents, to be held and had by the same William, lord of Douglas, and his heirs as freely and quietly, fully, entirely and honourably, with all their liberties, commodities, easements and just pertinents, all and several, as the charter of our beloved cousin Thomas Earl of Mar made thereupon to the same William, lord of Douglas, and Margaret his spouse, our cousin, more fully purports and testifies: In witness of which thing we have commanded our seal to be put to our present charter before these witnesses, venerable fathers in Christ, William, William, and Patriek, by the grace of God bishops of the churches of St. Andrews, Glasgow and Brechin, Robert, Steward of Scotland, Earl of Stratherne, Patriek of Dunbarre, Earl of March and Moray, our cousin, William of Levyngstoun and Robert of Irskyn, knights; in our council held in the same place on the thirteenth day of November, in the 28th year of our reign.

2. CHARTER by James, Earl of Douglas, to William of Douglas, his son, of the barony of Drumlangryg, [1384-1388.]

Omnibus hane eartam visuris vel audituris, Jaeobus, eomes de Douglas, dominus Vallis de Lydaff et baronie de Drumlanryg, salutem in Domino sempiternam. Noueritis nos dedisse, eoneessisse et hac presenti earta nostra confirmasse Willelmo de Douglas, filio nostro, pro homagio et seruicio suo, omnes terras nostras toeius baronie nostre de Drumlangryg prediete, infra vicecomitatum de Drumfres : Tenendas et habendas omnes dietas terras prefate baronie eum pertinenciis eidem Willelmo et heredibus suis de eorpore suo legitime proereandis, quibus deficientibus Arehebaldo de Douglas, filio nostro, et heredibus suis de eorpore suo legitime proereandis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes reetas metas suas et diuisas, in boseis et planis, pratis, paseuis, et pasturis, in moris, marresiis, viis et semitis, aquis et stagnis, venaeionibus, aueupaeionibus et piseaeionibus, molendinis, multuris, euriis, eseaetis et euriarum exitibus, cum bondis, bondagiis et natiuis, et liberetenentium seruiciis, eum soceo et sacea, tolle et theme, et infangandthese, et eum omnibus aliis libertatibus, commoditatibus, aysiamentis ad omnes dictas terras toeius baronie preliete pertinentibus seu quoquomodo pertinere valentibus in futurum, adeo libere et quiete, bene et in paee, sicut nos vel aliquis predecessorum nostrorum dietas terras eum pertinenciis aliquo tempore tenuimus vel tenuit, sine aliquo retinemento imperpetuum, regalitate eiusdem nobis et heredibus nostris reseruata. Volumus etiam quod in easu, quod absit, si prefati Willelmus vel Arehibaldus absque heredibus de eorporibus suis ut predictum est deedant, quod omnes diete terre eum omnibus suis pertinenciis nobis et heredibus nostris reuertantur. Faciendo inde nobis et heredibus nostris predictus Willelmus et heredes sui predicti, quibus forte defieientibus, predictus Arehebaldo et heredes sui prefati, seruicium vnius militis in exereitu nostro, nomine albe firme tantum, pro omnibus aliis seruicieis seeularibus, exactionibus vel demandis que de dietis terris aliqualiter exigi poterit vel requiri. Nos vero Jaeobus, eomes predictus et heredes nostri, omnes dietas terras cum omnibus suis pertinenciis predicto Willelmo et heredibus suis predictis, quibus defieientibus eidem Arehebaldo et suis heredibus prefatis, in omnibus prout supraseribuntur, contra omnes homines et feminas warrantabimus, aequietabimus et imperpetuum defendemus. In eius rei testimonium huie carte nostre sigillum nostrum feeimus apponi ; hiis testibus, dominis Archebaldo de Douglas, domino Galwidie, Jaeobo de Douglas, domino de Dalketh, Jaeobo de Lyndessay, domino de Crawforde, Willelmo de Lyndessay, Roberto Coluyle, Willemo de Borthewyk, consanguineis nostris, militibus, Adam Forstere, Adam de Hopyringift, Alano de Lawdre, et multis aliis.

[Seal attaeched in good preservation. Legend "Sigillum Jacobi eomitis de Douglas."]

Translation of the foregoing charter.

To all who shall see or hear this charter, James Earl of Douglas, lord of Liddisdale and of the barony of Drumlanrig, greeting in the Lord everlasting : Know ye that we have given, granted, and, by this our present charter, have confirmed to William of Douglas, our son, for his homage and service all our lands of our whole barony of Drumlanrig foresaid, within the shire of Dumfries : To be held and had all the said lands of the foresaid barony with the pertinents by the same William and the heirs of his body lawfully to be proreated, whom failing, by Arehibald of Douglas, our son, and his heirs to be lawfully proreated of his body,

of us and our heirs, in fee and heritage for ever, through all their just marches and divisions, in woods and plains, meadows, pastures, and pasturages, in moors, marshes, ways and paths, waters and pools, huntins, hawkings, and fishings, mills, multures, courts, escheats, and issues of courts, with bondpeople, bondages, and natives, and services of free tenants, with soc and sac, tolle and theme, and infangand thief, and with all other liberties, commodities, easements, belonging, or that may in any way hereafter belong to all the said lands of the whole barony foresaid, as freely and quietly, well, and in peace, as we or any of our predecessors at any time held the said lands with the pertinents, without any withholding forever; the regality thereof being reserved to us and our heirs: We will also, that in case, which God forbid, the foresaid William, or Archibald, die without heirs of their bodies, as aforesaid, that all the said lands, with all their pertinents revert to us and our heirs: Performing therefor to us and our heirs the foresaid William and his heirs foresaid, whom perchance failing, the foresaid Archibald and his heirs foresaid, the serviee of one knight in our army, in name of blench farm only, for all other seicular services, exactions or demands, which from the said lands in any way might be demanded or required: And we, indeed, James Earl frcsaid and our heirs shall warrant, acquit and defend for ever against all men and women, all the said lands with all their pertinents to the foresaid William and his heirs foresaid, whom failing, to the said Archibald and his heirs foresaid, in all things as above written. In witness whereof to this our charter we have caused our seal to be appended, these being witnesses, Sir Archibald of Douglas, Lord of Galloway, James of Douglas, lord of Dalkeith, James of Lindsay, lord of Crawford, William of Lyndesay, Robert Colville, William of Borthwick, our cousins, knights, Adam Forester, Adam of Hoppringle, Allan of Lauder, and many others.

3. BOND by John of Swyntoun, lord of Mar, and Margaret, his wife, Countess of Douglas and Mar, to William of Douglas, son of the late Sir James Earl of Douglas, 5 December 1389.

Omnibus hanc cartam visuris vel audituris, Johannes de Swyntoun, dominus de Marre, et Margareta, sponsa sua, comitissa de Douglas et de Marre, salutem in Domino sempiternam. Noueritis nos vnanimi consensu et assensu fideliter promississe Willelmo de Douglas, filio quondam domini Jacobi comitis de Douglas, domini vallis de Lydaff, quod nuncquam contra ipsum questionem aut calumpniam quoismodo mouebimus, nec aliquis [alius] nomine nostro mouebit, racione baronie de Drumlanrig, quandocunque ipsum contigerit possessionem eiusdem [obtinere, et quod] libere dicta baronia cum pertinenciis valeat gaudere, secundum quod continetur in carta predicti Jacobi comit[is de] Douglas, filii nostri, dicto Willelmo de Douglas, filio suo, super dieta baronia confecta. In cuius rei testimonium sigilla [nostra] presentibus opposuimus, quinto die Decembris, anno Domini millesimo ccc^{mo} octagesimo nono.

[One seal remaining, broken.]

An old copy of this charter also in the Drumlanrig charter chest has the following translation :—

“Followes tha Englische heiroff.

“To all and sundrye quho sall sie and heir this present charter, Johne of Swyntoun, lord of Mar, and Margaret, his spous, countes of Douglas and Mar, helth in our Lord everlasting: Witt ye us of ane mynd, consent and assent, to hef faithfullie promeist to Williame Douglas, sone to

vmquhile James Erle of Douglas, lord of Liddesdaill, that we sall nevir in onywayes move any questioun or contraversie against him nor na uthers in our name sall move, concerning the baronie of Drumlangrig, quhensoevir it sall happen him to obtene possessioun thairof, and that he may be able to bruik or enjoy the said baronic with the pertinents frielie, conforme to ane conditioun in ane charter of the said James Erle of Douglas, our sone, of the foirsaid baronic, maid to the said Willame Douglas, his sone. In witnes of the quhilke thing we hef putt our seals to thir presents, the fyft day of December, the yeir of God I^m thrie hundreth fourscoir nyne yeirs."

4. CHARTER of CONFIRMATION by King James the First in favour of Sir William Douglas of Drumlangrig of the lands of Drumlangrig, Hawick and Selkirk. 30 November 1412.

" Jamis throu the grace of God Kynge of Scottis, till all that this letter heris or seis, sendis gretynge: Wit ye that we haue grauntit, and be this presentis lettres grauntis a speciall confirmacioun in the mast forme (*sic*) til oure traiste and wele belofit cosyng, Schir William of Douglas of Drumlangrig, of all the landis that he is possessit and chartrit of, within the kyngdome of Scotlande; that is for to say, the landis of Drumlangrig, of Hawyke, and of Selkirke, the quhilkis chartris and poss[ess]iouns be this letter we conferme, and wil for the mare sekernes this oure confirmacioun be formabili efter the fourme of our chaunsellare, and the tenor of his chartris, selit with oure grete sele, in tyme to come. In witness of the whilkis, this presentis lettres we wrate with our propre hand vnde[r] the signet vsit in selyng of our lettres, as now at Croidoune, the last day of Nouember, the yere of our Lord I^{mo} cccc^o xii^o."

5. INDENTURE between William of Douglas, lord of Drumlanrig, and William of Douglas, lord of Leswalt, 29 May 1429.

This endentur made at Myddilham, the xxix day of Maie, the yher of our lorde M^lcxxxix and ix yher, be twix nobill men, Willam of Douglas, lord of Drumlanryg on the ta parte, and Wilham of Douglas, lord of Leswalt on the tothr part, contenis, proportis and beris wytnesse, that yt is accordit in furm and in effect as eftir folowys, that is for to say, that the saide Wilham of Douglas of Leswalt sall freely delyuer and gyf up the Castell of Drumlanryge, and all the landys wyth in the said baroury, owtane the saide landys, the qwilkyis he has grantyd hym for the terym of x yhere wyth pertenence, all the scharteris, euidenc and obligacyons and confirmacyons that he hass, had or fond in to the said house tyll the for said lorde of Drumlanryge, or tyll hys assygneis or speciale deputis qwa sumewer, that the said castell ys delyueryt to in gouernance: and the forsaide Wilham of Douglas of Drumlanryg of all accyons, qwilkyis he hasse or may haf to the for said Wilham of Douglas of Leswalt, be cause of the said Castell or of the landys or any other accyons qwatesumewer be twyx thaim, amouit or for to be amouit be any maner of way, fra the day of the makyn of thir presentis, qwitnes, and perpetually dischargys and qwideclemis for ever. Itim yt is accordyt, that the said Wilham Douglas of Leswalt sall haf fre vsche and entre in to the said castell wyth mony or with fewe, qwat tym hym lykis, nedis or myst[er]yis, and agaynwarde the forsaide Wilham of Douglas of Drumlanryg sall haf fre vsche and entre wyth many or wyth fewe, qwat tym hym lykys, nedis, or mysterys, in to hys Castell Lochinatt [Lochnaw]: And at all thir condycyonis, in forme and in iffect, as ys be for wretyn, be trewly kepyd, but any fraude or gyll or cauillacyon, baithe the said partys ar bodeily sworne and twichit the haly ewangill. In the wytnes

of the quhilke thynge I have put to my sell, at Middilham, the xxix day of Maie, the yher of our Lord M^{ccccxx} and ix yehr.

HEAD SECOND.—MISCELLANEOUS MUNIMENTS of the DOUGLASES of DRUMLANRIG regarding the acquisition of additional baronies and the holding of the office of Warden of the Marches by them. Also concerning their personal affairs, such as their marriage settlements, latter Wills and Testaments, and successions, from JAMES DOUGLAS of Drumlanrig, fifth Baron, in 1470, to Sir James Douglas, ninth Baron of Drumlanrig. Sir James obtained charters uniting the baronies of Druinlanrig and Tibbers into the Regality and Justieary of Drumlanrig, and was the father of William, first Viscount of Drumlanrig, so created in 1628, and advanced in the peerage as Earl of Queensbury in 1633.

6. **INDENTURE** between William of Douglas of Drumlanrig and David Scot of the Bukcluehe, whereby it is agreed that James of Douglas, son and apparent heir to William shall marry Jonet Scot, daughter of the said David, in all goodly haste; for which marriage the said David shall pay in “tochter” with his daughter to the said William, his heirs or assignees, the sum of 500 merks money of Scotland, 100 merks at the completing of the marriage, 50 merks at Martinmas next, and so forth, 50 merks at each successive term of Whitsunday and Martinmas, till the whole sum should be paid: Also the said William in all goodly haste after the completing of the marriage shall infest James, his son, and Jonet, his spouse, and their heirs in £20 worth of his lands, viz., the Est Manis of the Kirkton, in the barony of Hawic, the Cragcrochery and the Fyrdinfarn, in the Barony of Drumlanrig. Further, the said David shall make the lands of Quhitchestir to be holden of the said William and his heirs “in ward and relief, as sic like tennandis haldis of the said William wythtin the barony of Hawic,” and if men of law found that David might hold the lands of William, without prejudice of his heritage, David should become tenant to him within forty days after the next justice-eyre to be held in Jedworde, and failing thereof by the said David’s default, or his heirs’, he or they shall pay to the said William and his heirs the sum of 400 merks Scots; and if men of law found that David or his heirs might not hold the lands of Quhitchester of the said William without prejudice of his heritage, the said David and his heirs shall pay to William or his heirs 200 merks at four usual terms. And the said William binds himself to infest James and Jonet in the £20 worth of land within forty days after the completing of the marriage. Both parties bind themselves by their bodily oaths and append seals interchangeably.—At Edinburgh, 5 November 1470. [Seal now worn off.]

7. **INDENTURE** between James Campbel of Wester Lowdon, and Elizabeth Crechtoun, spouse of the late William of Douglas of Drumlanerigh, by which it is agreed that John Campbel, son and apparent heir of the said James, shall marry Elizabeth of Douglas, daughter of the said late William of Douglas and Elizabeth Crichtoune, on the Tuesday xv days after Pasch next to come, and within 20 days thereafter the said James shall infest the said John Campbel and the said Elizabeth Dowglas, the survivors, and their heirs male of their bodies in the lands “that war giffyn vmquhil be Schir Johne Campbel to the said James, his sone,” which shall be notably known to the said Elizabeth and in the same form. Also it is appointed, because the said James would not consent to make resignation “of the laif (rest) of the landis that he has,” so

that John might be heritably infect in the fee of the same, that the said James should not sell or wadset any lands or annual rents that Schir Johu died seized in as of fee, "less na it happen, as God forbeid it doe, that the said James be taken presonare in Ingland," for his "redemyne," to sell or wadset any part of his lands upon whieh the said James should give his obligation to the said Elizabeth, her heirs and assignees, upon the sum of £3,000, £1,000 to the King in name of "peyne," £1,000 to the "Cathedral Kyrk" of Glasgow, for the breaking of the faith of body, and £1,000 to the party for damage and expenses. For all which Elizabeth of Creehtoun shall pay to the said James the sum of £600 Scots, 200 merks at the completing of the marriage, and by 40 merks at sueeessive terms following, to be paid at the said James's manor place of Lowdoun within forty days after the terms. In security of which Elizabeth of Crechtoun shall cause James of Dowglas of Drumlanerik, her son, and William of Dowglas, his son and apparent heir, to infect the said James Campbel, under reversion in 20 merks worth of land of old extent in the barony of Drumlanerik "and lyand on the water of Skar," whieh should give yearly 4 seore merks of new extent, and cause them give their obligations for the payment above written, and in ease of failure, Campbel to uptake the mails of the said lands, and not to be allowed in the said sum. The said James Campbel to deliver to James and William a reversion bearing that it should not be lawful to him to intromit with the lands, &c., unless in default of payment of the sum or part thereof, &c., also the said Elizabeth of Creehtoun shall sustain the said Elizabeth, her daughter, in meat and clothing "togidder with the raeionabil repare of the said Johne Campbel and thre personis with hym and four hors for the spaee of four yeiris next eftir the eompletyng of the said mariage." James Campbel and James Dowglas and his son are to enact themselves in the Offieial of Glasgow's Books. The party failing in any point shall pay £100 to the Archibishop of Glasgow for the "bigging" and repair of the Graye Freris of Are. The parties give their bodily oath to observe all the conditions. James Campbel and John his son are said to subscribe the writ, and for Elizabeth of Creehtoun, and at her command, "Arehebald of Dowglas and Dene Johne Dowglas, his sonnys, has subscriuit this wryt with thar handis with the subscrypeion of hir awin," before witnesses, Sr John of Cathkert of Kyllunchane, knight, Constantyn Dunlop of that ilk, Matthew Wallaee of Crago, Petir Rankyne of the Scheld and others. But this deed has never been subseribed. James Campbel's seal is said to be impressed to the part of the indenture remaining with the said Elizabeth, and she affixed her seal to the part remaining with him. Dated at the burgh of Are, xxv February 1496-7. [Campbel's seal impressed, but nearly worn off.]

8. ASSIGNATION by Adam Kirkpatrick of Pennersax, appointing and solemnly ordaining William Douglas, lord of the fee of Drumlangrig, his procurator and assignee to a letter of reversion upon the 40s. land of old extent of Dalgarno, lying in the town and territory of Dalgarno, on the east side of the town, in the parish of Dalgarno, and sheriffdom of Drumfrece, and also to a reversion of the two merk land of Dalgarno of old extent lying above the forenamed three merks between the water and "le myre." The reversions were made to the said Adam by John Kirkpatrick, seeond son of the late Thomas Kirkpatrick of Closbern and were given under the seal of arms of said John. With power to the said William Douglas to redeem the lands. Seal appended at Dunsekay, 2^d January 1499 [1500]. Witnesses Patrik Kirkpatrick, the granters' brother german, James Lyndsay. [Seal attached.]

9. BOND by Adam Kirkpatrick of Pennyrasax by which he obliges himself, his heirs and assignees to William Dowgless of Drumlangrik, his heirs and assignees, stating that having sold the ten "merkis wortht of my landis of the towne of Dalgernok, in the parish of the same and sheriffdom of Drumfrece," of which lands five merks lying together in the east end of the said lands are laid in 'wed' (pledge) on six score merks Seots to John Kirkpatrick of Alyslane, on a reversion made to Adam thereupon, without any assedation after the outquitting of the five merks worth, and the other five merks worth are free without any alienation; for which ten merk land Adam had received from the said William a certain sum of money and 40s. worth of land of old extent called the Marouflat in the barony of Drumlangrik: Therefore he binds himself, his heirs and assignees, to William, his heirs and assignees, to warrant and keep the foresaid lands to the said William, his heirs and assignees, without any alienation, assedation or taeks made by him or any in his name, other than above written. If any of the lands were withheld from Douglas, &c. he should have ingress and regress to as much of Marouflat, &c. At Drumlangrik, 5 March 1499 [1500]. [Seal impressed, but now broken off.]

10. PROCURATORY OF RESIGNATION, directed to James most illustrious King of Scots, by his liegeman Adam Kirkpatrick of Pennersex, appointing his procurators, Andrew Wode, Robert Dowgles, Hugh Dowgles and others, to resign in his Majesty's hands his lands of Pennersex in the stewartry of Annandale and sheriffdom of Drumfreee, free tenants of the same and their services, with the advowson and gift of the kirk thereof, which the granter held of the King *in capite*; and by the present writ he resigns the same and quitclaims all right he had thereto in favour of an honourable man, William Dowgless of Drumlangrig, for fee and heritage for ever. Seal appended at Drumlangrik, 5 March 1499. [Seal attached but imperfect.]

11. ACQUITTANCE by William Maitland of Lethington, 25 April 1509.

Be it kend till all men be thir present letteris, me, Williame Mateland of Lethingtoun, till half tane and resauit fra the handis and deliuernace of Williame Dowglas of Drumlangrig, knyght, the sovme of thre hundredth merkis, gud and vsuall money of Scotland, in part of payment of ane mair sovme of vii^e merkis awing to me be the said Williame Dowglas for the alienatioun of the landis and barony of Tibris with thair pertinentis, liand within the schirefdom of Drumfreis, like as at mare lenth is speeifit and contenit in the contract and appointment made betuix me and the said Williame Dowglas thairapone. Off the quhilke sovme of thre hundredth merkis of the money forsaide I hald me wele content, fullely assith and thankfully payit, and thairof quytelames and dischargis the said Williame Dowglas, his airis, executouris and assignais for me, myn airis, executouris and assignais, be the tennour of thir presentis for now and euirmare. In witness of the quhilke thing to thir present letteris I haif appendit my sele, at Edinburgh, the xxv day of Aprile, the yere of God ane thousand five hundredth and nyne yeris; befor thir witnes, Thomas Cranstoun, Williame Mateland, Duncan Huntar, Johne Fergusson, James Makmeth, and Robert Gordoune of the Glen with other diuers.

Wylzañ Matland
off Latlungtouñ.

[Seal attached, on a shield a lion rampant: inscription indistinct but appears to read "S. Willelmi Matland."]

12. BOND by James Mateland of Achingaschill, for himself, and his heirs, to an honorable knight, Schir William Dowgless of Drumlangrig and his heirs, on the narrative that whereas the said William had made to him and his heirs a new infestment of the 18 merks worth of land of Achingascill and Achinbanze, and 8 merks worth of land in the town of the Tybbiris of old extcnt, in the barony of Tybberis and sheriffdom of Drumfress, "and als suld giff me ane confirmacioun" of all other lands he held of the baron of the Tybberis. "Yharefor I and my ayris sall stand leile and trew tennandis to the said Wilzeam and his ayris" in all points as the infestment bore; "and sall defend, supple and mainteine" him and his heirs in enjoying of the said barony of Tybberis at his utter "gudlye" power: Also he renounces for himself and his heirs all right or claim he or they had "to the twa akiris of land, the mote and castelsted of the Tybbiris, to be broukit and ioisit be the said Wilzeam and his ayris in tyme to cum," and to make a proeurator to resign the same in the King's hands for new infestment to the said William. If he or his heirs failed herein, he binds himself in the sum of £200 Scots to be paid to Sir William or his heirs; and he and his heirs would remain "affald tennandis to the said Wilzeam and his ayris for euyr." Seal affixed at Drumlangrig, 21 July 1510. Witnesses, William Mateland, John Mateland, Schir William Amuligan. Subscribed "Jamys Matlands w^t my hande." [Seal nearly gone.]

13. INVENTORY of the goods of the late William Douglas of Drumlanrig, knight, who died in Northumberland, in the field of war, 10 September 1513, made by Elizabeth Gordoun, his relict. At the time of his death he had xxxij^e old sheep at 3s. the piece; je hogs 22^d a piece, sum 34 score li and 6 li; old oxen and cows 20s. a piece . . . sum of animals xj score li. In horses viii. In oats xxvij score x bolls, price of boll vj s. In barley x bolls, price of the boll xiij s., sum of oats and barley l li x s. In utensils and domicils lxvj ti xiij s.

Sum of whole goods a thousand ix li. Debts due to Lord Maxwell viij^e marks; to the Laird of Lochinver je marks to John Slowane xx li; to the Laird of Wanfray xx s &c., sum xiiij^e viij lb xiiij s. vj d.

Confirmed by James Archbishop of Glasgow, who because the said William died intestate appointed Elizabeth Gordoun, his relict, to be executor dative. Dated at Edinburgh, 8 June 1515. [Seal had been once impressed but it is now obliterated.]

14. LETTERS OF RESPITE by James the Fifth, King of Scots, by which he respites James Dowglas of Drumlangrig, James Gordoun of Lochinver, John Dowglas, brother of the said James Dowglas, Archibald Dowglas in Coschogill, Thomas Dowglas, Peter Dowglas, his brother, George Dowglas in Alnernes, William Gordoun of Crauchleu, Roger Gordoune of Crowcharne, Roger Gordoune, brother to John Gordoune in the Park, David Gordoune, John Gordoune, "Robertis sone," Schir John Gordoune, chaplain, Blak James Gordoune, Mr. William Gordoune, James Gordoune his servant, David Crawfurd, brother to Bartilmo Crawfurde of the Kerse, Robert Makquhynze, his servant, Blak Alexander Fergusone, Quintine Schaw, William Reid, George Makeuloch, apparent heir of Torhouse, William Burnet, John Lawsone, John Maitland, son and heir apparent to James Maitland of Auchingassill, Patrick Maitland, "his eme" (uncle), Roger Scot, Peter Broun, Richard Tweddale, Thomas Dowglas, Robert Broune, Dungall McDowell of Bernaucht, John Makdowell, his brother, John Tusky McDowell, John Mure, John Gordoune, William Gordoune and Andrew McQuhynze, for treasonable "resset, art, parte and assistance" given by them to "Alexander Forestare and vtheris his complices, theifis.

and tratouris duelland apone the watter of Levine," in their treasonable deeds, and for the cruel slaughter of "vmquhile Thomas Makcellane of Bomby" committed by them upon forethought felony within the burgh of Edinburgh, and all other crimes committed by them till date hereof, "tresone in our persone anerlie exceptit." The respite to endure for 19 years after date. Also the King charges his officers to relax Dungall Makdowell, John Makdowell, his brother, and John Tusky Makdowell, from the process of the horn led against them for the said crime or any other, "and ressaue thame to our peax, and gif thame the wand thairof, for the said space of nynetene yeris." Given under the Privy Seal at Edinburgh, 25 August 1526. [Seal wanting.]

15. NOTARIAL INSTRUMENT narrating, that in presence of the notary and witnesses, a noble man James Douglas of Dumlanrig past to the personal presence of an honourable woman, Margaret Douglas his spouse, and there required her earnestly (instanter requisuit) to go with him to his place and dwelling of Dumlanrig, and adhere to him as spouse ought to spouse; and offered him as ready to receive her and treat her as spouse should spouse; who altogether refused to go with him or adhere to him for certain reasons as she asserted moving her mind for the time. Upon which Douglas craved instruments. Done in the dwelling house of Hugh Douglas, burgess of Edinburgh, at 3 afternoon, 20 December 1530, witnesses Alexander Drummond of Carnok, and others.

16. GIFT by King James the Fifth to James Douglas of Drumlangrig, of the "nonentres, males, fermes, profitis and dewiteis" of the lands and barony of Drumlangrig both property and tenantry, in the sheriffdom of Drumfreis, of all terms and years the lands had been in the King's hands since the decease of the late William Dowglas of Drumlangrig "in the field of Flodoune," and all years to come, till the entry of the righteous heir, with the relief when it should happen; to be held by him and his heirs and assignees. Given under the Privy Seal, at Paris, 27 January 1536[-7]. [Seal wanting.]

[A similar grant is made by Queen Mary with consent of James Earl of Arran, &c., of the lands and barony of Drumlangrig, lands and barony of Tibberis, 10 merk land of Langeroft, 50 s., land of Windy Hillis, in the sheriffdom of Drumfries, £5 land of Barquhar, 1 merk land of Drummoir, in stewartry of Kirkcudbrycht, for all years since the decease of the late William Dowglas of Drumlangrig. Edinburgh, 17 March 1542.] [Half of seal remaining.]

17. LETTERS OF GIFT by King James the Fifth to James Douglas of Drumlanrig of the nonentry of Drumlanrig. 4 February 1536-7.

REX.

Thesaurar and componitouris, We greit you weill. Forsameikle as we haue disponit and gevin to our louit familiar seruitour, James Douglas of Drumlanerk, the gift of the nonentres of all and haill his landis and barony of Drumlanerk wyth the pertinentis, as at mair lenth is contenit in our signatour of gift maid to him thairupoun, and hes componit and gottin gratitud fra him tharfor: Quharfor we charge you, incontinent, this our precept sene, ye subseriuie the said signatour to the intent the said James may raise the said gift ondir our priue sele: and this on na wise ye leif ondone, keipand this our charge for your warrand. Subseriuit wyth our hand and onder our signet, at Chanstyllie, the fourt day of Februar, the yer of God I^m v° and xxxvj yeris.

(Signed) James R.

18. AGREEMENT between James Douglas of Drumlanrig and Jonet Douglas, "his dochter naturale lauchfulle gottin of his body," and Archibald Douglas in Coschogill, and William Douglas, his son and apparent heir, by which it is concluded that the said William should complete matrimony "in face of halie kirk" with the said Jonet, as soon as dispensation of the degrees which they now stand into may be obtained. The said James to pay to the said Archibald the sum of 500 merks, money of Scotland, if the said James happened to get any heirs male of his body that should succeed to his lands and heritage, or made any others heirs to the same other than the foresaid Jonet Douglas and Margaret Douglas her sister; and binds himself, his heirs, &c., to the payment of the said sum. Parties bind themselves to fulfil the contract by oath, the evangels being touched. Signed and sealed at Edinburgh xi May 1538 before Thomas Mariorybankis, burgess of Edinburgh, George Douglas in Amernes, John Douglas in Mar, and Alexander Maknele, notary public. Subscribed "James Douglas of Drūlangrik" His scal is also impressed but a good deal broken.

19. ASSIGNATION made by James Douglas of Drumlanrig, who had received from the King, to him, his heirs and assignees, a gift of the nonentries "malis, fermes," &c. of the lands and barony of Drumlangrig, both property and tennancy, in the sheriffdom of Dumfres, of all terms the same had been in the King's hands, as superior by reason of non-entry, "Sen the deces of vñquhile Williame Douglas of Drumlangrig, my fader, " in the feild of Flodoune," and of years and terms to come, till the entry of the righteous heir, with the relief thereof, when it should happen. He now makes James Makmath of Dalpeddir, and his heirs, his assignees to the nonentry, maills, &c. of the lands underwritten pertaining to the said James heritably and held of Douglas in chief, as baron of the said barony, viz., the 4 merk land of Dalpedder of old extent with the corn mill of the same, the 5 merk land of Auchinsow, the 6 merk land of Auchingreuth, the 5 merk land of Castelgilmoir of old extent, with the waulkmill, reserving to the granter the maills, profits and duties of the two merk and half merk land thercof, which Alexander Makmath now occupies, during the time of the nonentry thereof before the date of these presents; to be held by the said James Makmath and his heirs, the granter's assignees, the "nonentres" of the forenamed lands, &c. with the relief when it should happen, with obligation not to apprise the said two and one half merkland of Castelgilmoir for the nonentry, nor apprise any goods save those of Alexander Makmath. Dated at Edinburgh, 28 July 1538, witnesses, David Cranfurd of Litilpark, Alexander Gourdon in Ardis, Roger Gourdon in Hardlawnd, John Douglas, Edward and Cuthbert Dongalstoun. Subscribed "James Douglas of Drumlangrik, wy^t my hand."

[Seal attached: shield bearing quarterly 1st and 4th three stars, two and one; 2^d and 3rd three stars on a chief and heart in base. Circumscription "S.I.D: DE DRVMLANRIG."]

20. AGREEMENT between a noble man, James Douglas of Drumlanrig, and a noble lady Margaret Douglas, his spouse putative, narrating that whereas there was a cause of divorce moved by him against her before the officials of Louthain and St. Andrews "principale, in first and secund instance," that in case they were divorced by law of "Haly Kirk," he simpliciter obliges him and his heirs, &c. his lands and goods, &c. hereby to the said Margaret, to refund and pay her yearly for life the sum of 130 merks Scots and find caution of burgesses of Edinburgh, on pain of horning, or else infect her in as much worth of land as would

yield the same yearly at her option ; because she discharges the said James of great sums promised by her friends and received by him in name of "tochir gude," and also because she renounces her right to the lands granted to her in conjunct fee, and to terce lands that might fall to her through his decease, notwithstanding any sentence of divorcee that might be given in the contrary : Till the sentence should be given, 80 merks yearly, and all expenses of the plea are to be paid by Drumlanrig. Either party discharges other of all other contracts, &c. : All under the pains of 500 merks to be paid by the party breaking the contract to the party observing it. The Agreement to be registered in the Official's Books of Louthian and St. Andrews. At Edinburgh, 6 September 1539. Subscribed "James Dowglas of Drūlanrik w^t my hand," "M^rgaret " Douglas w^t my hand at ye pen."

21. LETTEES of DISPENSATION by Antonius, presbyter cardinal with the title of the four crowned saints, directed to the Archbishop of Glasgow, or his vicar or official, narrating that a petition had been presented to him by James Douglas of Drumlanrik, layman, and Christina Montgomery, woman, of the diocese of Glasgow, stating that they formerly, knowing that they stood within the simple third and quadruple fourth degrees of affinity contracted marriage ; but since they could not continue in such marriage, and grave scandals were likely to arise, the spouses had supplicated the Apostolic See for the benefit of absolution. Therefore by authority of the Pope, of whose penitentiary the granter was in charge and by express command of the Pope given *viva voce*, he charges the Archbishop's circumspection, to absolve them from their excesses and from the sentence of excommunication whieh they had incurred, and allow them to marry *de novo*, &c. Given at Rome, at St. Peters, under the seal of the penitentiary, viii Id. [6th] September, sixth year of Pope Paul the Third [c. 1540].

[Seal remaining, but broken, contained in leaden case—The Virgin and Child under a canopy.

22. ANOTHER WRIT the same to the same, and tied to the former by a cord, explains that the Letters of Dispensation were to be valid notwithstanding any difference or defect there might be in the statement of the degrees of affinity. Of the same date. [Seal awanting, only half of capsule remains.]

23. GIFT by Mary, Queen of Scots, with eonsent of James Earl of Arran, lord Hammiltoun, her tutor, proteotor and governor of her realm, taking into consideration the good true and thankful service done to her late father by James Douglas of Drumlanrig as well in parts of France as in the realm, and other reasons, granting to him, his heirs and assignees 600 sheep "being vpoune oure landis of Kirkhop," in the sheriffdom of Lanark which pertained to her late father, and now to her as his daughter and heir, to be held by him &c. and discharging the lieges to make any hindrance to him in possessing the same. Given under the Privy Seal at Edinburgh, 6th January 1542. It is endorsed as a gift of the goods of Kirkhope and Quhiteeamp.

24. LETTERS of GIFT by Mary, Queen of Scots, with consent of James Earl of Arran, Lord Hamilton, Proteotor and Governor of her realm, to James Douglas of Drumlangrig, his heirs and assignees, of "the nonentre, malis, fermes, profitis and dewiteis" of the lands and barony of Drumlangrig, lands and barony of Tibberis, ten merk land of old extent of Langeroft, and 50 s. land of old extent of Windyhillis, in the sheriff-

dom of Drumfreis, the 5 pound land of old extent of Barquhar, and 1 merk land of old extent of Drummoir, in the stewartry of Kirkcudbrycht, with tenants, tenandries, and service of free tenants of the same, of all years and terms that they had been in the hands of her late father, or any other of the Queen's predecessors, as superiors, by reason of nonentry, since the decease of the late William Douglas of Drumlangrig, knight, or any other of his predecessors or successors, last immediate tenants thereof to the Queen or her late father; and of all years and terms to come till the entry of the righteous heir thereto, with the relief thereof when it should happen. To be held by him, his heirs and assignees, &c. With court, playnt, herezeld, &c. Given under the Privy Seal at Edinburgh, 11 July 1543. [Seal attached.]

25. INDENTURE between Archibald Earl of Angus, Lord Dowglas, &c., James Dowglas of Drumlangrig, and Margaret Dowglas, his daughter, on the one part, and John Jardane of Apilgyrth on the other part, by whieh it is agreed that John Jardane shall complete marriage with the said Margaret before Michaelmas next. He is also to resign in the Queen's hands, and her governor's, as much lands of his barony of Hartsyde as extends to a hundred merks of penny mail yearly, in the sheriffdom of Lanark, to be given to him and Margaret in conjoint fee, and the heirs of their bodies, whom failing the said John's nearest heirs whomsoever, to be held of the Queen and her successors. For which cause the said Earl and James Douglas shall pay to the foresaid John Jardane the sum of 1,200 merks Scots, James Dowglas 1,000 merks, and the Earl 200 both at terms specified in the deed. If any lawful cause of divorce should happen to be found, John Jardane binds himself to bring home from the court of Rome, upon his expenses, dispensations, one or more, dispensing with the degrces of consanguinity or affinity, &c., under the pain of 5,000 merks. The said James Douglas is to make the whole expenses on the infecting of the said Margaret in the lands. Parties are sworn to observe the indenture, which is to be inserted in the official of Lothian's Books, and parties acted to fulfil its provisions under pain of cursing. Interchangeably signed and sealed at Edinburgh, 4th August 1543, before George Dowglas, "Maister of Angus," John Tuedy of Drummalzear, Robert, "Maister of Maxwell," George Douglas of the Wattersyde, Thomas Marioribankis, burgess of Edinburgh and others. Subscribed, "Johne Jardane of Apylgytht." [Seal impressed, but worn off.]

26. PRECEPT by Mary, Queen of Scots, directed to John, Abbot of the Monastery of Paisley, Keeper of the Privy Seal, in which she narrates that, with consent of her cousin and tutor, James Earl of Arran, &c., protector and governor of her kingdom, she had given to her well beloved James Douglas of Drumlangrig, his heirs and assignees, all and whole the stead of the Castle (Castrum locum) alias Castell mote of Tibberis, with bounds and pertinents thereof, extending to two acres of land, in the sheriffdom of Drumfreis, which belonged before to John Maitland of Auchingassill and were resigned by him personally in the Governor's hands as in the Queen's at Linlithgow; to be held by the said James, his heirs and assignees, of the Queen and her successors, in fee and heritage, for rendering the services due and wont to the Queen and her predecessors before the resignation. The Queen therefore charges the keeper of her privy seal to direct a precept for making of a charter to the said James Douglas upon the premises under the Great Seal. Given under the Signet, at Linlithquhw, 12th July, third year of the Queen's reign [1544].

[Robert Mateland of Auchincassill, the King's well beloved esquire, receives from King James the Fourth a charter of "loem Castri et montem nuncupatum le Mote de Tibris," with bounds and pertinents extending to 2 aeres, to him and his heirs, in feu farm and heritage, for payment of 40*d.* yearly, to the King and his successors. At Linlithqw, 10 August 1489. John Maitland of Auchingassill has a precept of the same Mote, 25 April 1540, (*sic*, but probably a mistake for 1541), and a Great Seal charter 25 April 1541.]

27. PROCESS of APPRIZING led by James Lingesay, macer, sheriff of Drumfreis in that part, narrating a decree by the Lords of Her Majesty's Council, that the five merks worth of land of Ardoch and Knoktonc, of old extent, and one merks worth of land of Humby, in the barony of Drumlangrig and sheriffdom of Drumfreis, were in our Sovereign Lady's and her predecessor's hands as superiors thereof, by reason of nonentry since the decease of the late William Douglas of Drumlangrig, kught, to the space of thirty years last bypast, in default of a lawfully entered tenant and the maills, &c., to pertain to our Sovereign lady and to James Douglas of Drumlangrig, her donator, by reason of a gift made to him, and in default of movable goods on the ground of the lands to distrain, ordained the lands to be apprized to the said James. The sheriff narrates his visit to the ground of the said lands, where "I culd nocht apprehend nor find na movable gudis to distrenze," and denounced the lands to be apprized on 23^d March instant in the Tolbooth of Drumfreis, and warned Robert Crichtone of Ardoch and Margaret Catheart, his spouse, "pretendit heretabill possessouris of the saidis landis," and others having interest to be present, and made proclamation at the market cross of Drumfreis. On the 23^d March the sheriff fenced a court in the tolbooth and summoned parties, when none compearing, he caused an inquest to be chosen. These were, Thomas Kirkpatrick of Closburne, Roger Kirkpatrick of Ros, John Greirsoun of Lag, John Charteris of Windehillis, Thomas Fergusson of Cragdarroch, John Huntar, Roger Gordoune of Hardland, Gilbert Greir of Craig, Cuthbert Fergusson of Glencors, Roger Gordoune of Creichane, John Maitland of Auchingassill, Alexander MakGachane of Dalquhat, John Maxwell of Knowhill and others, who found that the lands extended yearly to £20 and in the whole space to 30 score pounds; after which the macer offered the lands to Robert Crichton and his spouse, by open proclamation at the Tolbooth window, or to any others, but could get no buyer, and thereupon apprized the lands to the said James Douglas in complete payment of the thirty score pounds. The assize apprized 20*s* of annual rent to the Macer for his fee, which he sold to the said James for the sum of 20*l.* Seals are said to be appended but are now wanting. No date c. 1544.

28. INSTRUMENT of SASINE in favour of James Douglas, son and heir of the late William Douglas of Drumlangrig, knight, in the lands and barony of Drumlangrig. The sasine proeeds on a preept from Chancery of Mary Queen of Scots directed to the sheriff and his bailies of Drumfreis, bearing that by an inquest made by her mandate and retoured to Chancery, it was found that the late William Douglas of Drumlangrig, knight, father of James Douglas, bearer hereof, died last vest and seized as of fee, at the faith and peace of the Queen's dearest father, in all and whole the lands of the barony of Drumlangrig, with waulk and corn mills thereof, tenants, tenantry, and services of free tenants thereof, that the said James Douglas is lawful and nearest heir to the said William in the said lands, is of lawfule age; that the lands were held in chief of the Queen; charging the sheriff therefor to give sasine of the same, taking security for xv^m j^clxvj l*i* xiij*s* iiijd of fermes of the

said lands, &c., being in the hands of the Queen and her father for the space of 32 years and 1 term last bypast, sasine not recovered; the fermis extending yearly to iiiij^clxvi li xiiij s iiiij d and for the double service of one knight by duplication of banch ferm due to the Queen, "Teste me ipsa." At Edinburgh, 13 February 3^d year of reign [1544-5.] Sasine was given by John Railtoun, burgess of Edinburgh, and sheriff depute of Dumfries of the foresaid lands with fortalice thereof &c., to the said James Douglas at his instance and request, who craved the present instrument from the notary. Done at the principal messuage of Drumlangrig, the 11th hour before noon, 26 February 1544-5. Witnesses, John Maitland of Auchingassill and others.

29. RECEIPT by Duncan Crychtoun to James Douglas of Drumlanrig for hership during the wars between Nithsdale and Annandale. 8 March 1544-5.

I, Donkane of Crychtoun, serwand to the lard of Kyrkmychell, grantis me to haue ressauit full contention, asithment and payment, fra the honorable man, James Douglas of Drumlagrik, for all the skaytht and heyrsehip of gudis tane be the lard of Drumlagrigis serwandis of myne furtht of the Holhous, the time of the weris be tuix Niddisdaile and Annerdaile men; for the quhilk payment I grant me weile content and payt, and dischargis the said James Douglas, his serwandis, his airis, executouris and assignais, thairof for now and ewer, and sall warrand thame befor quhatsumewer inge, sprituale or temporale, be this my writing subseruirt wytht my hand at the pen, at Drumlagrig, the viij day of Marche, in the yeir of God anno M. V^e and fourty four yeris, befor thyr witnes. [From a volume of Transcript Book of Sasines given and received by Sir James Douglas of Drumlanrig, 1544 and 1545.]

30. CONTRACT between James Douglas of Drumlanrig and Thomas Greir and John, his son, by which he having by gift of the Queen, with advice of the lord Governor, the nonentry, maills, fermis, &c. of the 10 merk land of Langeroft, in the sheriffdom of Drumfreis, for all the terms they had been in her Graee's hands since the decease of the late William Douglas of Drumlanrig, his father, for certain sums of money and other profits and pleasures, done to him by the said Thomas and Johu, his son, makes them his assignees to the nonentry, &c. of the nether 5 merk land of Langcroft called Cluthfute, for the time past and till the entry of the righteous heir, with the relief thereof when it shall happen, and within twenty days shall give sasine thereof with his own hand or by his precept to the said Thomas in liferent and John heritably of the said nether 5 merk land of Langeroft calle^r Cluthfute, according to a charter to be made thereon, conform to a charter made to John Douglas, his brother, of the said lands, by the said late William Douglas, his father, and both parties agree to use exact diligenee to get John's charter "for knawing of the halding thairof." The contract to be "reformat" for the security and weal of Thomas and John at the sight of Mr. James McGill and Mr. Thomas Makealzeane, procurators for both parties. Dated at Linlithgw, 11 July 1545. [Notarial copy.]

31. NOTARIAL INSTRUMENT narrating that in presence of a notary and witnesses compeared John Douglas, brother german of an honorable man, James Dowglas of Drumlanrig, and bound himself to his brother by oath as follows *in vulgari*: I oblis me to the forsaid James Dowglas, my brother, and [if] ever I happen fra this day forward to play at cartis, dyse, tabblis, or lay by hand at the said playis wytht any man,

that I sall renunce and ourcif to the said Jamis, my brother, all heretage, takkis, steddingis, and vtheris possessiounis that I haif this day of the dait forsaid of the said James Dowglas, my brother, and of all vtheris personis, for to be brukit, iosit, sett, and disponit be him as he thinkis expedient, and that becaus the said James hes gewin and deliuering to me the sowm of fourty and awcht pundis in numerat mony, gold and siluer, to abstene fra the said playis and laying by hand of the samyn." Upon all which the said James Dowglas craved instruments. Done in the hall of the chief messuage of Drumlanrig, 2 March 1545-6, before John Jardein of Apylgyrth, William Dowglas in Cawaris and others. In a like instrument William Dowglas in Coschogill binds himself to pay to Drumlanrig 40 crowns of the sun if he played at cards or dice. [From a volume of Transcript Book of Sasines given and received by Sir James Douglas of Drumlanrig 1544 and 1545.]

32. COMMISSION by Mary Queen of Scots, with consent of James Earl of Arran, Lord Hammiltoun, protector and governor of the kingdom, appointing James Douglas of Drumlangrig, her justiciary, to appreliend, in firmance, prison, and captivity keep, and execute justice according to the laws and custom of the kingdom on persons guilty of theft, &c., dwelling on his lands and baronies of Drumlangrig and Tibberis pertaining to him, whether property or tenandry, and for that effect to hold courts, appoint deputies, &c., the letters to last during the Queen's pleasure. The preamble states that the protector was certainly informed that various persons were living on these lands and baronies, who from the time of the decease of the Queen's father have committed and daily commit common theft, quietum furtum vulgo pykrie, reset and "convoying of theftis," and would not cease thererfrom unless severe punishment should ensue, &c. Given under the testimony of the Great Seal (or quarter seal) 30 March 1546. [Fragment of seal attached.]

33. INVENTORY of the Testament and Latter Will of Sir James Douglas of Drumlangrig, Knight, made the 4th September 1550. First, he makes W[illiam] his son and apparent heir, and Dame Christiane Montgomery, "my spous," his executors and intrometters with goods and gear, utensil and domicile, sheep, nolt, horse, &c. Further he ordains the said Dame [Christian] to be tutrix testamentary to William, his son, so long as she remained a "widow and vndefoulit"; and in case not, John Maxwell of Terriglis, Knight, and Patrick Douglas, his son tutors to his said son, John Maxwell to be oversman to the executors; and he ordains that his executors and tutors use the counsel of Mr. James M^cGill and Roger Gordoun of Trochquhan in all things concerning his latter will and helping of his son and apparent heir in his heritage, tacks and rooms; and because his heritage and tacks were plenished for great part with his own goods, it is his will that the whole goods and plenishing remain with the ground to the utility and profit of his son and apparent heir: and because a third part thereof will pertain to his "remenant bairns," and another third part to his wife, so much should be taken of the yearly profit of the lands and goods pertaining to his son as should pay the avail of the said two thirds. He discharges his son, Patrick, or any other of his sons to intromit with his lands or tacks, but his widow only, so long as she remained widow or undefiled in her widowhood. He ordains his executors to make yearly account of the profits of his lands to the said John Maxwell, Mr. James M^cGill and [Roger] Gordoun for his utility and behoof, the profit and excrescence of his said lands, &c., to be put in the hands of Mr. James M^cGill by the advice of friends to be forthcoming to his son. In legacies he

leaves to "Jonet Douglas, my bastard dochter, now being vnmareit" 500 merks; and to Alison Douglas and Agnes Douglas, also his bastard daughters, 300 merks each, not to be paid to them but at their marriage, and if any died unmarried her share to go to his son William. He leaves directions about paying his debts: debts due to him to be used for the profit of his lawful daughters. If it happened him to "inlaik be deceis," he wills that no teinds be taken from the inhabitants of Mortoun, the first year thereafter, and that his own tenants "fermoraris" of his barony of Drumlangrig accept of his mill in case of his decease, as said is, that they have the half of their "fermes" quit the said first year, no maill to be paid by his tenants, cottars, and labourers of his barony of Drumlanrig the first year. As to the persons having his goods in "Steilbow," he ordains his spouse "in cais I inlaik" to remit to every one of them a part of their "Steilbow males" "samekle as scho be hir discretioune can ondirstand me to have of their proffittis and gudis in tymes bigane mair nor I suld have had." "To Robert Douglas, son to Thomas Douglas in Durrisdeir, he leaves the tacks of the Kirk of Durrisdeir at his age of 17 years; and immediately after his decease the said Robert might intromit with the vicarage of Mortoun. The fruits of the provostry of Lynclowden, beyond the sustaining of the provost, to go to the profit of his son and heir. He leaves also a legacy to John Douglas, his bastard son, when he married, &c. Seal affixed at Edinburgh, 6 September 1550, witnesses, Sr John Tailzeour, Maister James McGill, John Johnstoun &c.

Subscribed "James Douglas of
Drilanrik wyt my hand."

[Seal impressed—Shield quarterly 1st and 4th 3 mullets on a chief and heart in base; 2d and 3d indistinct but seems 6 cross crosslets. Legend "S. Iacobi Douglas."]

34. LETTERS OF REMISSION by Mary Queen of Scots, whereby of her special grace, with consent of James Duke of Chattellarault, Earl of Aran, Lord Hammiltoun, protector and governor of the kingdom, she remits to James Douglas of Drumlangrig, knight, all rancour and queenly suit &c. for his treasonable coming in company with the late John Earl of Levinax, with displayed banner, and prepared for war against the Queen's father at Linlithgow in the month of September 1526, when her father was present in proper person, to endure for the lifetime of the said James. The great seal is said to be affixed at Drumfres, 1 August 1551. [Seal now wanting.]

35. COMMISSION of Wardenry by Mary Queen of Scots whereby with advice, consent and authority of her cousin and tutor, James Duke of Chattalarault &c. protector and governor of her kingdom, for the good faithful and thankful service done to her and her tutor in her name by her well-beloved James Douglas of Drumlangrig, knight, and understanding that her poor lieges and inhabitants of the west wardenry of her kingdom were spoiled and plundered by thieves, robbers and other malefactors, and unless a remedy and severer punishment were provided for such offences, great inconvenience were like to arise thereupon: therefore for repression of such attempts and punishment of malefactors, she makes and appoints the foresaid James her warden of the West Wardenry and Marches of her kingdom towards England, viz., within the bounds of Annandale, Eskdale, Ewisdale, Nethisdale and Galloway (Galwidie) as well above as under the water of Cree; and also her justiciary within the bounds with all fees and duties belonging to the

office of wardenry, with power to hold eourts of wardenry and justiciary, to appoint deputes ; issues, and fines and escheats of the courts together with the goods and lands of those who were condemned (justificate) to uplift, one half for the Queen's use to exchequer and the other half to his own : to exercise all parts of the office as freely as Robert Lord Maxwell previously had done. The quarter seal is said to be affixed, at Edinburgh, 31 August 1553. [Seal wanting.]

36. LETTER by Marie, Queen Dowager of Scotland, promising to maintain Sir James Douglas of Drumlanrig in the Wardenry of the West Marches, 31 August 1553.

We, Mare, be the grace of God Quene Drowrear of Scotland, be the tenour heirof oblis ses ws to our weilbeluffit James Douglas of Drumlanrik, knycht; forsameykle as he has at this tyme takin upon him the wardanrie of the west Marchis of Scotland for ordoring thairof, the sammin being left be Johne Maxwell of Terreglis, knycht, becaws he myeht nocht ordour the sammin, he being ondir deidlie feid with the cwntre. Thairfor we sall fortefe, supple, mantein and defend the said James in vsing of the said office, and sall caws him at our wttir power to be obeyit thairintill, becaws he hes acceppit the said office at our desyre : Be this our writting, subscriuit with our hand and ondir our signet, at Edinburgh, the last day of August, in the yeir of God Im V^e fyfty thre yeiris.

Au enzant de mon conseille et plesir.*

Marie R.

37. COMMISSION by Mary Queer Scots, making her well-belovcd James Douglas of Drumlangrig, knight, her warden of the West Marches of her realm towards England, and her justiciar within the bounds and giving him all fees thereto belonging : also giving him full power to appoint days of truce and warden courts of the said wardenry, begin, hold, and continue the same, cause restitution to be made of all goods taken by whatever lieges of her kingdom out of England, to receive restitution of the warden of the West Marches of England of all goods taken by the English out of her kingdom from Scotsmen, to hold courts of justiciary for execution of justice upon thieves, traitors, homicides, or other malefactors and breakers of the country and of peace, to call suits of court, fine absentees, punish transgressors, according to the quality of their offence ; and all such to take and apprehend and pursue with fire and sword for their apprehension, and for taking of them and defence of the kingdom against them, to raise and assemble all and sundry the inhabitants of the said bounds, hold assizes, cause statutes for keeping the peace to be observed, make new ones, &c. Wherefore the Queen charges all her lieges or subjects within the wardenry to answer and obey the said James Dowglas in the said offices, and rise, eoncur, ride, fortify and assist him in the execution of the ordinances and statutes under all pain which they might incur against Her Majesty. The Letters to endure during the pleasure of her mother, Mary Queen Dowager, Regent of the Kingdom. The Great Seal is said to be appended at Edinburgh, 23 October 1555.

38. LETTERS of REGRESS by Francis and Mary, King and Queen of Scots, Dauphin and Dauphiness of Vienne, by which on the narrative, that whereas for the special love and favour which James Douglas of

* These seven words are holograph of the Queen.

Drumlangrig, knight, bore to his wellbeloved son and apparent heir, William Douglas, he bound himself and his heirs to infest the foresaid William, his heirs and assignees, in heritable fee of all and sundry the lands and barony of Drumlanrig in the sheriffdom of Dumfries, also of the said James' town and lands of the lands and barony of Tibberis with mills, 10 merk lands of old extent of the town of Dalgarnok, 50 s. land of old extent of Glencorce and Drumfadzeane, in the same sheriffdom; the lands and barony of Hawik, viz. in property the town of Hawik with mill, lands of Eist Manis, West Manis, Crunach and Kirkton Mannis, Flekkis, Carlinpile, &c., and in tenantry Howpaslet, Chesholme, Quhitechestir, Edgaristoun, &c., advocation and donation of churches and chaplainries, in the sheriffdom of Roxburgh, with this provision in the before named James' obligation that the foresaid William should give to the said James and whatever other persons the said James should be pleased to nominate, a letter of reversion for redemption of the lands and baronies, in case it happened the foresaid William to decease without heirs male of his body, containing in it a certain sum of money: On strength of which letter the foresaid James had caused to be infested the said William, his son, and his heirs and assignees, in fee of the lands and baronies above specified: And for this cause the foresaid William has delivered to the said James and the heirs male of his body, whom failing to Robert Douglas, grandson (nepoti) of the late Archibald Douglas of Coschogill and the heirs male of his body, whom failing to Archibald Douglas, his brother german, and the heirs male of his body, whom failing to David Douglas in Pinzerie, and the heirs male of his body, whom failing, to James Douglas, son of Patrick Douglas in Mortoun, and the heirs male of his body, whom failing, to Triamor, alias Triamouth Douglas, also son of the said Patrick, whom failing, to Hugh Douglas of Dalvene, and heirs male of their bodies, whom failing to the nearest heirs whomsoever of the said James Douglas of Drumlangrig, knight, a letter of reversion for redemption from the said William's heirs and assignees whomsoever, failing lawful heirs male of his body, of the said lands and baronies, containing in it the sum of one hundred pounds: Therefore the King and Queen will and promise to the said James and other persons mentioned above and their heirs above written, that whenever and as soon as the foresaid sum should be paid oyer to the heirs and assignees of the said William, and the said reversion fulfilled and observed by James and the foresaid persons to the said William, &c., then, and in that case, the foresaid James and persons foresaid, and their heirs male foresaid, should have free and full regress and ingress again to the heritable property and possession of the lands and baronies before written, &c. Given under the Privy Seal, 18 September 1559. Bears to be given by signature subscribed by the hand of the Queen's dearest mother, Marie Queen Dowager and Regent of the kingdom. Seal attached circumscribed SIGILLVM SECRETVM FRANCISCI [ET MARIE] DEI GRA. R. R. SCOTORVM D.D. VIENNEN. On left of shield F with crown above, on right M with crown above. On shield the Dauphins arms (indistinct) impaled with Lion rampant of Scotland.

39. PROCURATORY of RESIGNATION by Adam Scot, son and heir apparent of Robert Scot of Bonytoun, appointing James McMath of Dalpedder, and others his procurators to resign his 40s. worth of land of old extent of Crare and Ardoch, in the barony of Drumlangrig and sheriffdom of Drumfreis, in the hands of James Douglas of Drumlangrig, knight, his lord superior of the same, *ad perpetuam remanentiam*. Seal appended at Edinburgh, 4 January 1561-2. Witnesses—

Symon Scot of Wynterburgh, James Johnnestoun of Myddilkylly, Andrew Armestrang, burgess of Edinburgh, James Johnnestoun of Kellobank, and Michael Marioribankis, notary ; signed by Adam Scot, "w^t my hand at the pen led be me, Michael Marioribankis, noter, at his command, becaus he culd not writ him self." Seal attached. An Instrument of resignation states that the lands were resigned on 14 February 1561-2.]

40. CONTRACT of MARRIAGE betwixt Walter Ker of Cessfurde, knight, and William Ker, his eldest son in life, on one part, and James Douglas of Drumlangrig, knight, for himself and taking the burden on him for Jonet Dowglas, his daughter, on the other part, by which William agrees to marry the said Jonet before the 10th day of May next "or sooner as salbe thocht expedient be the saidis Walter and James." Before which the said William binds himself to cause himself to be served heir to the late Andrew Ker of Cavertoun, knight, his brother, in all his lands, and get himself seized therein ; and thereafter, with advice of his father, shall infest the said Jonet "in hir wedowheid," in liferent, in the lands of Cavertoun, with mains, fishings and mills, in the sheriffdom of Roxburgh. Walter Ker agrees to hold the said William and Jonet in his household and family so long as they please to remain, and shall cause them enjoy the lands of Clarelaw to their support and entertainment during his life, or, if Clarelaw were taken from them by law, to lands of the same value. If it pleased not the said William and Jonet to remain in household with the said Walter "bot draw them to thair awin hous," he shall enter them to the 40 merk land of Cesfurde with the tower and fortalice thereof, with mills and mains of the same plenished as they were "with seid, oxin, and other plenis sing necessar," and to the teind sheaves thereof, he paying to the Abbot of Jedburgh the maills used and wont, together with the mill of the lordship of Prymeside, to be enjoyed by them during the said Walter's lifetime. If William deceased before his father, the latter binds himself, and William binds his heirs to pay the said Jonet in the burgh of Edinburgh the sum of 300 merks yearly for her liferent of Cavertoun, which she is bound to set to Walter or his son's heirs for the said sum yearly. For security of the payment sufficient burgess men of Edinburgh were to be acted in the Books of Council. For all which causes the said James shall pay to the said Walter the sum of 3000 merks Scots at the terms specified. The Contract to be registered in the Books of Council. Dated at Edinburgh, 2 March 1563-4. Witnesses names not inserted. Not signed. [Draft or copy.]

41. LETTERS of REMISSION by Henry and Mary, King and Queen of Scots, by which of their special grace they remit to their beloved James Douglas of Drumlangrig, knight, and William Douglas of Hawik, knight, his son and apparent heir, and their "parentes," friends, men, tenants and servitors, and whatever others had been in their company, all rancour of mind, royal suit or action competent to them, for their treasonable reset, supply and intercommuning with James, Earl of Murray, Andrew, Earl of Rothes, and others their rebels, being at their horn, in the months of August and seventh of September last and October instant, provided they made satisfaction to parties complaining ; and take them under their firm peace, &c. To endure during the life of each of them. The great seal attached. At Edinburgh, 28 October 1564. [Seal remaining—broken.]

42. REMISSION by Henry and Mary, King and Queen of Scots, by which of special grace they remit to their beloved William Dowglas of

Hawik, knight, Master John Dowglas, Hector Dowglas, John Dowglas in Carranhill, John Dowglas in Halskar, David Dowglas in Drumcork, William Dowglas in Know, John Dowglas called of Stable (vocat. a stabulo), and John Reid, rancour of mind, royal suit and action, for art and part in the slaughter of the late Hugh Dowglas of Dalvenc, committed in the month of August last, provided they satisfied persons complaining, &c. to endure for the lives of parties. Great Seal attached. At Edinburgh, 7 October 1565. [Seal remaining—broken.]

43. DISPENSATION by John, Archbishop of St Andrews, primate of the whole kingdom of Scotland, legatus natus, abbot of the monastery of Paisley of Glasgow diocese, and legate of the holy Apostolic see, with the power of a legate *a latere*, directed to Roger Greirson of Lag, layman of the said diocese, and Helen Douglas, daughter of James Douglas of Drumlanrig, knight, a woman of Glasgow diocese, stating their petition to be joined in wedlock, but because they were in the third and fourth, and fourth and fourth grades of consanguinity they could not accomplish their desire, and had humbly supplicated the archbishop for a remedy, who accordingly allows them to contract marriage in face of church, &c. Given under the archbishop's seal at the town of Edinburgh, 3^o Kal. Martii (28 February) 1566. Signed by A. Forrest, secre^{us}, M. E. Cok abb^{tor}.

[Seal remaining, but much broken.]

An indorsation bears that on 21 April 1566 before a notary and witnesses Roger Greirson of Lag, and Helen Dowglas, before solemnization of marriage and at the time of their marriage, delivered to the notary the letters of dispensation to be read, which he did, and the parties protested that there was no impediment to their marriage, &c. Done in the chamber of James Dowglas of Drumlangrik, knight, the 9th hour before noon, and at the time of the solemnization of the marriage. Certified by John Tailzeour, notary.

44. LETTERS OF REVERSION, whereby James Douglas, son, and also heir of the late William Douglas of Hawik, knight, with consent of David Douglas of Baitfurde, Master Robert Douglas, provost of Linclwden, and Master John Douglas, his curators, on the narration that his "gudsclir" (grandfather), James Douglas of Drumlangrig, knight, conform to contract dated 23 March 1572, had infested him in the lands of Knok, Auchinskeoch, Mekillholme, Cumrew, &c., in all a £48 land of old extent in the barony of Kirkmichall, Carrutheris, Downandbie and Kirtkleische, in the stewartry of Ananderdale; the said James' half part of Mouswall, &c., Logane tenement, &c., Dronok, &c. and many other lands. Nevertheless James Douglas engages, on payment to him, within the parish church of Drumfreis, of the sum of £100 Scots by his grandfather, to quitclaim and overgive to him all the lands above enumerated; and binds himself that neither he nor his heirs should absont them from receiving the said sum on premonition of 40 days. Signed and sealed at Drumlangrig, 24 March, 1572-3. Witnesses, John Tailzeour, parson of Cummertrcis, and others. Signed "James Douglas of Drumlangrig, younger, wy^t my hand," "Robert Douglas, prouest of Linclouden," "Mr. Johne Douglas." Seals attached —Drumlanrig's "S. Iacobi Dovglas De Drūlangrig."

45. LETTERS OF ASSIGNATION by Sir James Dowglas of Drumlanrig, Knight, on the preamble that he was bound by an obligation to have infested the late Sir William Dowglas of Hawik, knight, his son and apparent heir, in the fee of all his lands and baronies of Drumlanrig,

Tibbirris, town of Dalgarnok, Glencroce and Drumfailzeane, Hawik, both property and tenantry, &c. to be held of the Queen and her successors, with reservation of liferent, to him and the heirs male of his body, and others of his surname he pleased to name and teree; conform to which obligation he obtained infestment and sasine. Which obligation provided for letters of reversion, containing the sum of £100. Dated 26 February 1546-7. This reversion was not delivered by Sir William; but James Dowglas, son and apparent heir of Sir William, with advice of Mr. Robert Dowglas, provost of Linelowden, and Mr. John Dowglas, his curators, had now returned the reversion. Therefore Sir James, for the special love and favour he bore to his "speciall freind and cousing," Robert Dowglas of Cosehogill, makes him and the heirs of his body, whom failing James Dowglas, son and heir of the late David Dowglas of Baitfurde and heirs male of his body, whom failing James Dowglas, son to Patrik Dowglas in Mortoun and the heirs male of his body, his assignees to the foresaid reversion, &c., failing of the said James and heirs male of his body when the lands could be redeemed. Also conform to agreement between the said Sir James Dowglas and James Dowglas, son of Sir William, with consent of his curators 23 March 1572-3, he infects the said James in the lands of Knok, Auchinskeoeh, Mekill Holme, Cumrew, Dalfebill, &c., in the barony of Kirkmichell, and many other lands as fully enumerated in the deed with various holdings, the said James and his curators being bound to give him letters of reversion for redemption of these lands from his heirs female whomsoever, failing heirs male of his body, containing the sum of £100 Scots. Therefore Sir James appoints Robert Dowglas of Coschogill and the heirs male of his body, whom failing James Dowglas, son to the late David Dowglas of Baitfurd, and heirs male of his body, whom failing James Dowglas son to Patrik Dowglas in Mortoun and the heirs male of his body, his cessioners and assignees to the said letters of reversion given to him by the said James and to all other reversions contained in any of the infectments made by Sir James to him for redemption of the lands from his heirs female whomsoever &c. A further clause bears that if his "nevoy" (grandson), James Douglas, should decease without heirs male of his body and Robert Dowglas of Coschogill should succeed, &c. it should not be lawful for him or others mentioned to sell the lands, or any part of them, &c. Dated at Edinburgh, 11 March 1574. Witnesses, Sr John Bellenden of Auchnoule, knight, Justiee Clerk, Mr James Makgill of Rankeloure Nethir, Clerk of Register, John Tailzeoure, parson of Cummercraig, and John Johnestoun, notary. Signed "James Dowglas of Drülangrik, Kny^t, wy^t my hand." Seal attached. On shield 1st and 4th a bend between six cross crosslets, 2^d and 3^d a heart crowned. Inscription "S. Iacobi Dovglas."

[There is another deed of the same date and to the same purpose except in wanting the last clause about sale of the lands.]

46. ADDITION to the WILL of Sir James Douglas of Drumlangrig, Knight, made at Drumlanrig, 18 August 1578. "Freindis, I do yow to vnderstand as I have bene cairfull and travellit all my dayis for the weill of you and this my hous, the quhilke in respect of my age and waiknes and dibilitie of my bodie is sehortlic to pas thairfra at Goddis plesour; quhairfoir it is my will that my hous be vsit, to the glorie of God and to the conforte of all you freindis cumit thairof and allyate thairwith, and to that effect ernistlie desyris that all occasionis that may moue variance betuix my oy and yow to be aduudit and cuttit away, sua that he may interteny yow as his freindis, and ye to mantene and do for

him in all his honorabill and ressonabill caussis." He proceeds to state that there is a head he fears more than all the rest may make variance, which was that his oy [grandson] was young, and, as the writer believeth, bore great affection to his mother, "quhilk I disallow nocht him to do all thingis to hir that is ressonable," but not to give her entry and the rule of the house after his decease, nor to remain therein. "And that be ressoun, I vndirstand hir to be ane proude and wilfull woman," and would use every means to have the handling of his oy and his living and would try to sunder his oy from his friends to have the profit of his living and "to revenge hir wicket nature aganis the freindis of the hous," &c. And he commands his oy not to receive her in household with him, and desires the friends never to consent thereto; and if his son were wilful, and wished to admit his mother as a ruler of his house, "I will and ordanis that my sone, the provest of Linclouden, and the rest of my freindis, refuse the samin, and nocht to permit him to follow his awin will aganis his weill and this my ordinance."—Dated at Drumlangrig, 18 August 1578. Witnesses, Roger Greirsoun of Lag, Alexander Stewart of Garoleis, younger, Alexander Jardene of Apilgyrth and Sr John Tailzeour. Signed "Drūlangrik," "Roger Greirsoun of Lag wyt my hand," "Alexander Stewart," "James Douglas of Drumlangrig, younger, obllissis me to afferme the samin, as is abone written."

47. AUGMENTATION by Sir James Douglas of Drumlanrig to his Will.
27 August 1578.

At Drumlangrik, the xxvij day of August, the yeir of God ane thowsand fyve hundereth thre seore auchtene yeiris, I, James Douglas of Drumlangrik, knyght, eikis and augmentis to my lettir will and testamentis and last eikis thairof, this my ordinance. That aucht thowsand merkis and twenty nyne score of crownis of the sone now being in my charter hows within the bowell thairof, that my sone, Master Robert Dowglas, provest of Lynclouden, haif the keiping thairof, and to remane within the said bowell, and to haif the keyis of the bowell: And Master Johnne Dowglas, my brothir sone, to haif the keyis of the vttir duris of the charter hows and irne yet thairof: and the said sowme to be disponit according to my lettir will and ordinance: and the said Master Robert, my sone, to hawe in keiping siclyke of all sowmes of monye or guddes that shall happen to fall to my five oyis, dochteris to my vmquhill sone, Willame Dowglas of Hawik, knyght, to be disponit to thame be the awyce of the said Master Johnne and freyndis. In witnes of the quhilk, I, the said Schir James, hes subscriuitt this my ordinance and eik to my lettir will, day, yeir, and place abone writtin befoir thir witnes, Schir Johnne Tailzeour, Johnne Ireland, officiar, and for affirmyng of the sammin, James Dowglas of Drumlangrik, younger, my oy, hes subscriuitt the sammin.

Drumlangrik
James Douglas of
Drumlangrik, younger.

48. The WILL of Sir James Douglas of Drumlanrig as contained in his "testament testamentar and inuentar" of his goods and gear, at his decease on the 27th day of December 1578, given up by James Douglas of Drumlanrig, his "oy."

At Drumlangrig, the ellewint day of September, the yeir of God ane thowsand fywe hundred threscoir auchtene yeiris; the quhilk day ane ryght honourabill Sr James Douglas of Drumlangrik, knyght, made his latter will as efter follows, viz. I mak and constitut James

Douglas, my oy, lauchfull sonne and air of wmquhile Williame Douglas of Hawik, knyght, my werey lauchfull vndoutit and irreuocabill cessioner and assignay in and to my haill cornes, eattell, scheipe, hors, nolt, gold, siluer weschell, plennessing and vthairis guidis quhatsumeuer perteining to me; also his debts, with a provision that Mr. Robert Douglas, provost of Lincluden, and failing of him by decease, Mr. John Douglas of Craiginkunne, Sir James's brother's son, should pay certain legacies out of his silver and gold and debts owing to him. If his son died without heirs male of his body, Robert and John were to intromit with the goods &c. "to the support of sa mony of the said James my oyis sisteris and dochterris as beis vnmaryit, and put to proffeitt and vthairis my pure kin and freindis." He ordains his "oy" to raise summons for choosing curators and to choose John Gordoun of Lochinvar, knight, Robert Douglas of Coshogill, Mr. Robert Douglas and Mr. John Douglas to be his curators, or any two of them, Mr. Robert Douglas being one, and ordains the said Robert and John "to keip hald and gourerne my said oyis hous during his minoritie," the excess of his living to be spent on upholding his places and houses in "thak, glas and vthairis necessairis." He requests Lochinvar to befriend his grandson and gives many legacies to his grand-daughters and others. The testament is confirmed at Edinburgh, 20 November 1581.

49. The Testament dative and Inuentar of the guidis, geir, sovmes of [money] and dettis perteining to wmquhile ane honorabill lady, Dame Cristiane [Mont]gumrie, Lady Drumlangrig, sumtyme spous to ane rycht honorabill [man Sr] James Douglas of Drumlangrig, knyght, the tymie of hir deceis, quha [deceissit] vpone the nynt day of August the yeir of God ane thowsand fywe hun[dreth] threscoir fyftene yeiris, faythfully maid and gewin vp be James Do[uglas] now of Drumlangrik, thair oy, executour dative surrogat to the said . . . Dame Cristiane Montgumrie, his guddame, in place of the procutour f[iseall] be deereitt of the commissaris of Edinburgh, without preiudice of all vthairis haiffand entres, as the samen decreitt of the daitt the fyft day of August, the yeir of God J^m v^e fourscoir ane yeiris, at lenth propertis. Her goods include horses, oxen and sheep upon the Mains of Drumlanrig, the Ross, amounting to £8,262 13s. 4d. &c. and a few half fermes due by tenants. No will. Testament confirmed at Edinburgh, 20 November 1581.

50. EXTRACT CONTRACT of MARRIAGE between John Lord Flemyngh and Esme Duke of Lennox, Lord Darnelie, &c., Dame Margaret Flemyngh, Countess of Athoill, John Earl of Montrois, Lord Graham, &c., and Alexander Master of Levingstoun, his curators, taking the burden upon them for Marie Flemyngh, lawful sister to the said John, and Marie Flemyngh as principal, on the one part, and James Douglas of Drumlanrig, with consent of Mr. Robert Donglas, provost of Linclowden, Sr [John] Gordoun of Lochinwer, knight, and Robert Douglas of Coshogill, and Mr. John Douglas of Craigincunis, his curators, on the other part, by which the said James Douglas agrees to marry Marie Fleming between the date and 18th February next, and to infest her in liferent in the lands of Chaulosit, Chaulosend, Dalzane, Woodend, Danduff, Glenmauno, Dalgoner, and others, upon the water of Skar, in the barony of Drumlanrig, and sheriffdom of Dumfreis, and in conjoint fee in the lands of Kirkhoip and Quhitcamp in the lordship of Crawford Douglas alias Crawford Lindesy, in the sheriffdom of Lanark, &c., with various other conditions and provisions. The tocher paid by John Lord Flemyngh is 6000 merks Scots, for which the Earl

of Montrois and Master of Levingstoun become caution &c. Dated at Edinburgh, 9 December 1581. Witnesses, George Meldrum of Fyvie, John Flemyn of Carwood, James Sandelandis of Slamannane Myre, Sr John Tailzeour parson of Cummertreis and others. Registered 10 December 1581.

[King James the Sixth grants a charter under his great seal confirming a charter given at Drumlangrig 11 October 1611 by the late Sir James Douglas of Drumlangrig, knight, to Dame Mary Flemyn, Lady Drumlangrig, his spouse, in liferent of the dominical lands of Hawick, viz., the East and West Mains of Hawick, with tower, fortalice and manor place, in the barony of Hawick and sheriffdom of Roxburgh; to be held of the granter and his successors in free blench farm for payment of a silver penny yearly, if asked only. Confirmation dated 13 June 1616. (Drumlanrig Charter Chiest.)]

There are also in the Drumlanrig charter chest a Contract for the marriage of William Douglas, eldest son of Sir James Douglas of Drumlanrig, knight, with Isobel Ker, daughter of Mark, Lord Newbottle, dated at Edinburgh, 20 July 1603; and a contract for the marriage of James, Master of Drumlangrig, eldest son and apparent heir of William Viscount of Drumlangrig, Lord Douglas, Hawik and Tibbers, &c. with Lady Mary Hammiltoun, sister of James, Marquis of Hammiltoun, Earl of Arran and Cambridge, Lord Aven and Ennerdale, to which Dame Anna Cunnynghame, Lady Marquis of Hammiltoun, is a party. Dated at Hammiltoun, 4 June 1630 and signed by the parties. Sir John Hammilton of Orbeiston and others witnesses.]

51. ACQUITTANCE by King James the Sixth to Sir James Douglas of Drumlanrig for 2000 merks, and precept to ratify an infestment of the barony, 1592.

Rex.

Forsamekill as we having laitlie, eftir our perfite age of tuentie fyve yeris and last and general reuocatioun, grantit and disponit to our louit Sr James Douglas of Drumlangrig, knicht, and his aris maill heretabillie ane new infestment, vnder our grite seil off the dait the day off the yeir of God Im V^e fourscoir ellewin yeris, off the landis and lewing of Drumlangrig and vtheris contenit thairin, with aduocatioun and donation and richt of patronage of certane kirkis within the samin, all vnite in ane barony callit the baronie of Drumlangrig, with privilege of regalitie, frie chapel and chancellarie, within the haill boundis thairof. For the quhilk the said Sr James payit of befoir to our thesaurer ane composition the tyme of the granting of the said infestment, according to the ordour vsit in sik caisses; and forder, hes at our desyre presentlie payit to our self the sowme of twa thowsand merkis appointit be ws for our Garde, quhair-of we exoner and discharge the said Sr James for evir. Thairfoir it is our will, and we reueist and command the lordis commissioneris, artikillis, sessioneris, and vtheris, that thai on na wyis be quhatsumeuir act hurt or dirogat the foirsaid infestment grantit be ws to the said Sr James nor na privilege or benefit contenit thairin, for quhatsumeuir cause, respect or occasioun; bot to ratifie and allow the samin in sik competent form as may best stand to the weill and honour of the said Sr James. Subscriuit with our hand at the day off the veir of God Im V^e fourscoir tuelff yeris.

James R.

52. FRAGMENT of TESTAMENT of Mr. Robert Douglas, provost of Linclowdane, given up by his own mouth when weak in body, but of perfect memory and whole mind, at the "Feiris besyde Kelso," 12 September 1609. Among debts due to him by the tenants of Greinlaw are 12 oxen, price of the piece 20 marks, and other goods which were delivered to them in "Steelbow," when the lands were set to them, that is the Mains of Greinlaw, &c.

In his will he mentions his "being diseasset in bodie bot of perfyt^e memorie and haill in mynd and spirite." He leaves his soul to God, hoping it would be received "by the onlie meinis and meritis of my lord and saviour Jesus Chryst;" his body to be buried amongst the faithful in —. He appoints James Jonstoun of Loehehous his only executor, and appoints noble and potent lords "my tender cousingis," Robert lord Sanquhar, and Robert lord Roxburghe, to be overseers to his executor, who as well as Loehehous accept the office. He leaves to John Douglas "my oy" v^e marks; to Jean Douglas "my oy" viij^e marks; to Archibald and Robert, brothers to James Douglas of Baitfurde, 1^e lib. each; to be paid by James Douglas of Baitfurde, only intromettor with the plenishing in his house of Greinlaw. "Item I leive to George Grahme v^e merkis, prouiding he make payment to his sister Helene Grahme of hir awin bairnis pairt of geir, otherwise the v^e merks to be paid to her." Various other legacies are addcd. The writ is very much torn.

53. REMISSION by King James the First, King of Great Britain, France and Ireland, on the narrative that during the time the realms of England and Scotland were distinct, which were now most happily by the providence of God united into one monarchy, the peaceful and good subjects living in the inward regions next the borders of either kingdom were most grievously vexed, oppressed and troubled by insolent and misordered persons of the Borders by raids, fires, rapine, theft, murder, homicide, &c. committed on the good and peaceable subjects, so much so that certain noblemen and potent persons dwelling near, partly for their own security, and partly of duty to the King, and charity to their neighbours of lower estate were stirred up oftentimes to oppose and check the savage proceedings of the said malefactors, sometimes by special commissions and sometimes by the King's verbal direction and warrant, when the times required not to wait for issuing a commission, &c. Of which number the King's most faithful and obedient subjeet Sir James Douglas of Drumlangrig, knight, was one in special on the West Borders, whom the King chose by sundry commissions as well as private commands, and verbal directions from his mouth only, to resist and suppress the insolencies of the said oppressors, who was always ready and willing to risk his life in the King's service. And after the King's coming to England he had been occupied by the King's privy council, or by the King's faithful and well beloved counsellor, George Earl of Dunbar, Lieutenant of the Middle shircs, in apprehending divers malefactors for the peace of the realm, and had forborne no toils to give the King satisfaction in executing the King's commissions and directions, &c., so that he was sometimes compelled to convocate the lieges, kindle fires, commit slaughters, burn buildings and houses, and use hostility for repressing the said malefactors, and several notable and manifest robbers and thieves to punish to the death, without preceding inquest of assize, or sentence of court, because the said malefactors sometimes made resistance, and fled to houses and refuges for seurity, &c. Therefore the King, with consent of the lords of secret council, finds, decerns and declares, that the said Sir James Douglas, in the

execution of the King's commissions and verbal instructions, and in convocation of the lieges, and in taking, imprisoning and punishing to death *super convictione*, though lacking a lawful commission, of all and sundry persons of whatever quality or rank which were sought for, seized and imprisoned and punished with death by him, at his command, within the bounds of the West Marches, or outside of them, before the date hereof, or in demolishing of houses, slaying persons resisting, being rebels, fugitives or outlaws, &c., had done the King faithful, grateful and acceptable service for the good and benefit of the King and his subjects, &c., and reputing Sir James his faithful and worthy subject in so doing: And exonerates, quitclaims, and relieves him and his heirs of the same; and remitting to him also all other crimes and transgressions. Dated at Quhytehall, 6th November 1609. [Great Seal attached broken.]

HEAD THIRD.—The BARONY and CASTLE of TIBBERS, adjacent to DRUMLANRIG, from the time of GEORGE DUNBAR, EARL of MARCH, LORD of ANNANDALE and MAN, to his successors the MAITLANDS of LETHINGTON and THIRLESTANE and others. 1369–1500.

Also the Barony and Castle of Morton.

54. CHARTER by George of Dunbarre, Earl of March, by which he grants to John Mautalent, for his homage and service, all his lands and tenements of his barony of Tybres with their whole pertinents, to wit, the town (villam) of Tybres with the dominical lands and mill, multures, and sequels, Glengerrok, Auchyngasylle, Auchynawht, Auehbbynbaney, Dubbillay, Klouchyngare, Knokbaen, Penpount, with mill, multures and sequels, and all his lands lying between Seharre and Schynnyle with all their pertinents, excepting to the granter and his heirs, his messuage, the moat (monte) of the Castle of Tybris, with Dalgernok, and the lands of the free tenants lying within the foresaid lands; to be holden by the said John and Robert, his son, born of the granter's sister Agnes, and the heir or heirs proceeding from the said Robert, of the granter and his heirs whomsoever, for rendering three suits yearly at the granter's court of Tybres, and to the King forensic service, so much as belonged to the lands. A clause of warrandice engages to defend the lands "contra omnes exules tam homines quam feminas nunc ad fidem et pacem Regis Anglie existentes." Seal appended at the granter's Castle of Dunbarre, 23 August 1369; witnesses, David, dean of the granter's collegiate church of Dunbarre, Masters Thomas of Harcars, Patrick of Hebburne, canons thereof, Sir John of Crumby, Sir John of Futheneuyn, Sir Alan of Borthewyk, Sir Robert of Fenwyk, canons thereof; Sirs Walter and Alexander of Halyburton, Patrick of Polword, Patrick of Hebburne, knights, Alexander of Ryclyngton, John of Lyle, Hugh Adamson, Robert Lethe, and Thomas, the granter's clerk. [Seal remaining.]

55. RESIGNATION by Walter Beset (Bisset), son and heir of the late John Beset, knight, lord of Clerkyntoun, in the hands of a great and magnifie lord, and his lord, George of Dunbarre, Earl of March, lord of Annandale and Man, all right or claim which he had or might have in the lands with their pertinents whatsoever of Dorswen, Glenkode, Croghelyn, Douwyn, Aghenbrekis, Bennan, Corforlyn, or in all other lands with their pertinents, if he held any *in capite* of his said Lord, within the barony of Tybris; so that neither he nor his heirs, nor any other person in his name, could challenge any right or elaim to the said lands in time to come. Witnesses, John Syncelere, Vmfrid of Gardin, John, son of Walter, Thomas of Wardlaw, Philip of Nesbit, John of Jonystoun, John of Caldecotis. Seal appended at Lowhgmaben, 14 April 1374. [Seal attached, legend, "Walteri Beset."]

56. CHARTER by Robert the Third, King of Scots, granting to his beloved and faithful Robert Mautalent, knight, the lands of Tybrys with the pertinents, in the sheriffdom of Dromfres, falling to the King by reason of forfeiture or eselheat, without any other royal right, to be held to the said Robert and his heirs, of us and our heirs, in fee and heritage, for ever, in the same way, and by the same services as George of Dunbarre, sometime Earl of March, freely held the lands of the King in times bypast. The King commands his seal to be affixed. Witnesses, Matthew, bishop of Glasgow, Gilbert, bishop of Aberdeen, chaneellor, Robert, Duke of Albany, Earl of Fife and Meneteth, the King's brother german, Archibald Earl of Douglas, lord of Galloway (Galwidie), James of Douglas, lord of Dalketh, and Thomas of Erskyne, the King's cousins, knights, at Renfrw, 11th October 1401. Fragment of Seal attached. [This charter is not included in the present Register of the Great Seal.]

57. PROCURATORY OF RESIGNATION by Edward of Craufurd of the lands of Dalgarnok, 31 March 1423.

"Be yt kenyt tyl al be thire present letteris, me, Edward of Craufurd, sun and ayre of John of Craufurd, lord of Kyrkanderis in Portoun, tyl haf mad, stabyllysyt and ordanyt my lufyt frendis Adam of Dalzell, Steuyn of Kyrkpatick, and Hu of Spens, togeder and syndery, my proeuratoris and special mesangerris; gyfand and grantand my ful and playn pouere to tha ilkis, Adam, Steuyn, and Hu, togeder or syndery, my landis of the toun of Dalgarnok, wyth thaire pertinens, lyand in the barony of the Tyberis in the sherafdoum of Dumfres, wyth staf and bastoun tyl vpgyf and purly and symply resyng in the handis of ane he and mychty lord, George of Dunbare, Erl of the March and lord of Man, my oure lord of the sayd landis. Hafand and for to haf ferm and stabyl quat thyng so euer the saydis Adam, Steuyn or Hu, togeder or syndery, as my procuraturis and special mesangerris in my nan [sic, nam] in thaire ofis of procurature ledis to be doun. In the wytnes of the quhilk thyng to thire my present letteris of procurature, I haf hyngyt my sel, at Kylosbern, the last day of March, the yere of oure Lord Mccccxx^{ti} iij." Seal wanting.

[In the same year a charter is given by George of Dunbarre, Earl of March and lord of Man, to his beloved cousin, George of Kyrkpatick, son of Thomas of Kyrkpatick, knight, lord of Kylosbern, of his whole lands of the town of Dalgarnok, in the barony of Tybris, &c. for his service, resigned by Edward of Craufurd: to be held by him and the heirs male of his body, whom failing the said Thomas, knight, and the heirs male of his body, whom failing the lawful heirs of the said Thomas whomsoever, of the Earl and his heirs, in fee and heritage, for paying a silver penny at Michaelmas in the church of St. Michael of Dalgarnok, in name of blenchferm, if asked only. Sealed at Dunbarre, 10 October 1423. Witnesses, Patrik of Dunbarre, the Earl's son and heir, Columba of Dunbarre, the Earl's brother, bishop of Moray, Patrik Dunbarre, knight, lord of Bele, Patrik of Dunbarre, his son, Gilbert Grersoun, the Earl's bailie of Tyb[r]is, and Hugh of Spens, the Earl's esquire. [Seal wanting.] A precept of sasine is issued by the same Earl where he is styled George of Dunbarre, Earl of March only, directed to Gilbert Grersoun, his bailie of Tybris, on the resignation of Cranfurd, and before the date of the charter. For it is given under the Earl's seal at Dunbarre, 20th August 1423. [Seal remaining—Shield, a lion rampant; crest, a horse's head.]

58. CHARTER by William Mavteland of Thirlstanc, whereby for zeal of fraternal affection, he grants to his dearest brother german, James

Mavteland and Giles (Egidia) Skrymgeoure, his spouse, jointly and severally, all and sundry his lands of Auchinbrek, Dunvyn, Quhithill, Clongare, Firdenalane, Clauchane, Auchinach, Brawnkevyll, Capilryg, and le Bagrav, in the barony of Tibbris, and sheriffdom of Dunfrese; to be held to James and Giles, his spouse, the longer liver of them and the heirs of their bodies, whom failing to return to the granter and his lawful and nearest heirs whomsoever, of the granter and his heirs, in fee and heritacg, for ever, in one whole and free lordship by all their right meaths and old marches, &c., for an annual payment of one penny of silver at the town (villam) of Tibbris, at Whitsunday, if asked only. With clause of warrandise. Dated at Dunde, (Dundee) 3 January 1450 [1451]. Seal wanting.

59. OFFICIAL COPY CHARTER by King James the Second, confirming the foregoing charter, by William Maitland of Thrillistane to his brother german, James Maitland, and Egidia Serimgeour, his spouse, of his lands of Auehinbrek, Dunbryn, Quhytill, Clongar, Ferenalane, Clachane, Auchmath, Brawnekebill, Capilrig, and le Bagrav, in the barony of Tibberis. Dated at Dundee, 3 January 1450-1, and is confirmed at Edinburgh, 10 Junc 1451. The extract is eertified as being made from the Register by the King's command by Master Gavin Dunbar, Archdeacon of St Andrews, Clerk of Rolls, Register and Council. Signed "Gawinus Dunbar."

[James Maitland is retoured as heir to his father Robert Maitland in the 8 merks of land in the town of Tibris, in Achingassill, Aehinbauze, and two acres in Tibris; Achingassill and Achinbanze are held of William Maitland of Ledington by holdings mentioned in retour; the two acres in Tibris are held of the King for 40d. of feufarm, &c. The jurors are Robert Criehtoun of Kirkpatrik, Robert Greresoun of Daltoun, John Fergusson of Cragdarach, Alexander MakMath of Dalpeddir, Duncan Huntar of Ballagan, Robert Creichtoun of Craufurdton, Roger Greresoun, brother german of Cuthbert Greresoun of Lag, George Greiresoun of Halidayhill, Laurenee Greirsoun of Kirkbridrig, Cuthbert Menzeis of Achinsell, Harbert Maxwell of Kirkconvell and others. At Drumfreis, 11 May 1506. Copy Retour.]

60. LETTER of DISPOSITION by Edward of Craufurd, son of the late John of Craufurd, lord of Trewrenzane, granting and renouncing in favour of George of Kyrkpatrik, lord of Pennersex, his heirs and assignces, for benefits, counsel and help, and a sum of money, all right and property he had to the lands of the town of Dalgarnok and of Langeroft, in the barony of Tiberis and sheriffdom of Drumfres. With an obligation that if he, his heirs or assignees, should move question, or attempt anything against this disposition, he or they should pay 200 merks Scots to the fabric of the church of Glasgow in name of penalty, 200 merks to the said George, his heirs and assignees, in name of damage, &c., without judieial proceedings, to be paid at the tower of Killosberne before they were heard before any judge, eeclesiastic, or secular, &c. And he quitclaims the said George, his heirs, &c. of all eonditions and obligations of marriage made and appointed between him and Sir Thomas Kirkpatrik, knight, of Killosbern, and the foresaid George at any time before the making hercof, and binds himself by oath on the holy evangel. Sealed at the Tower of Killosberne, 10 February 1456. Witnesses, Robert of Crechtoun of Sanchar, knight, sheriff of Drumfres, Thomas Fergusson of Cragdarach and others. [Seal wanting.]

[In the following year another writ was granted by Edward of Crawford, confirming and ratifying the gift and grant formerly made to George of Kyrkpatrik. It mentions that he had resigned the lands in the hands of George Earl of March, as to his lord superior (domino superiori). They are granted to be held *a me, heredibus meis et assignatis*, in fee and heritage. The penalty is 1000 merks Scots, the sum paid to the granter, £100 Scots to the King, and £100 Scots to be applied to the fabrie of the Cathedral Church of Glasgu. The granter's seal is appended and that of Roger of Kirkpatrick of Knok, at the Kirk of Dalgarnok 9th May 1457. Witnesses as in letters of Disposition, with Roger of Kirkpatrick of Knok, John Steile, vicar of Dalgarnok and others. [Seals remaining.] Edward of Kyrkpatrik receives sasine of the lands as son and heir of the late George on 16 March 1470-1, on precept from chancery, the lands being held of the King in chief.]

61. NOTARIAL INSTRUMENT certifying that in presence of Thomas of Galhagi, depute of Masters William Heris and Thomas Tyndine, commissioners of Andrew, Bishop of Glasgow, sitting in judgment, the notary and witnesses, a noble man George of Kyrkpatrik, lord of Penersex, compeared personally and craved that Fergus Dunansoun, Thomas Grersoun, Thomas Androwsoun, Thomas Goldsmith, Thomas McCalane, Patrik Ahowran, John Goldsmith, younger, summoned by the said judge should be examined as to what they knew of a sasine formerly delivered by Fergus McRei, serjeant to a certain Edward of Craufurd, son and heir of the late John of Craufurd, lord of Trarinan; who being sworn declared that they were present, heard and saw, when the late Fergus McRei, serjeant, at command of Sir William of Douglas, sheriff of Drumfres, as he averred, by authority of a noble lord, the lord Earl of March, delivered heritable sasine of all the lands of Dalgarnok, with the pertinents, to Edward of Craufurd, son and heir of John of Craufurd, lord of Trarinan, sixty years before the date of the present instrument, and declared that the sasine was given at Riven Hill in the house of John McCalay, and a sasine ox was taken by Patrik Ahowran, and the deponents declared that at that time they were of age, some 17 years, some 18, some 20. Done in judgment in the Friars Church of Drumfres, 10th hour before noon, 4 May 1459. Witnesses, Sirs Walter McGilhuel, William Ahanna, John McGilhuel, chaplains, Eliseus McWerk and Ranald Smyth. Michael of Byrkmyre, notary, after whose signature is a sentence importing that for more evident witnessing the seal of the deaconry is affixed. [The tag alone remains.] A duplicate of this deed is certified by John McIlhauch, notary.

62. RETOUR of INQUEST made before Robert of Creehton of Sanehar, knight, and sheriff of Drumfres, by John Menzies of Enaeh, Vedast Greson of Lag, Edward Crechton of Knokis, Alexander of Crechton of Crawfordston, James Heris, Archibald of Dowglas, George Neilson, of Madynpap, Gilbert Neilson, Gilbert Greson of Kyrkbrid, William of Crechton of Ardauch, James Kyrkhauch of Gleneslyn, Robert of Mwrhed of Wyndehillis, Alexander McMath of Dalpedyr, Bertholomew Hunter of Ballagayn, Cuthbert Momorson of Arstroan, Robert McBrer, provost of the burgh of Drumfres, Alexander Roeson of Bardanaeh, Symon Letill of Kyrkton and Johu of Kyrkpatick, who declared that Adam of Kyrkpatick, father of Adam of Kyrkpatick, bearer hereof, died last vest and seized at the faith and peace of the King, in the lands of the town of Dalgarnok, in the barony of Tybbyris, &c., is nearest and lawful heir of his said father, and is of lawful age; that the lands were now valued at ten merks and so much in time of peace, held in chief of

the King by brench ferm for rendering yearly one penny Scots, in the church of St. Michael's of Dalgarnok, on St. Michael's day, in name of brench ferm, if asked only ; and that seven merks of the said lands were now in the hands of the King, as lord superior, by the death of the said Adam, because the heir had never pursued his right ; and three merks of the lands were in the hands of the foresaid Jonet Dowglas, spouse of the late Adam, by reason of her joint fee, and were so from the death of the foresaid Adam, who died six weeks before the making of the inquest. Made at Drumfres, 5th March, 1471-2. Seals are stated to be attached, but they are now wanting.

63. PRECEPT of Clare Constat, whereby William Maitland of Lidyngtoun, and baron of the barony of Tibris, directing his bailies in that part, on the preamble that it was well known that the late Robert Maitland, father of James Maitland, bearer of the precept, died last vest and seized, as of fec, at the peace and faith of the King, in the eight merk land of old extent of the town of Tibris, of the six merk land of Achingassill of old extent, and the twelve merkland of Achinbanze of old extent, lying in his barony of Tibris, and sheriffdom of Drumfreis ; that the said James was nearest heir of his father and of lawful age. Charging his bailies to give sasine to him of the said lands. Dated at Lawdre, 19th May 1500. Seal wanting.

THE BARONY AND CASTLE OF MORTON were granted by King James the Second to James Douglas of Dalkeith and Janet Borthwick, his wife, in 1439-40.

In the Parliament of 1457, Lord Borthwick appeared on behalf of his sister, Janet Borthwick, Lady of Dalkeith, commonly called Lady Morton, and, objecting to the territorial title of Morton being given to James Douglas of Dalkeith, prayed that the King would do nothing concerning the lands of Morton to the prejudice of her Ladyship and her son. The chancellor answered that the Lord of Dalkeith was to receive his title of Earl from the lands of Morton in the territory of Calder Cleir and not from the lands of Morton in Nithsdale.

The reason of the lady for objecting to the new title of the Earl of Morton being granted to James Douglas of Dalkeith appears to have been, that as she was infect in the old barony of Morton, and was designed Lady Morton, she did not wish that this courtesy title should be infringed by the new Earl, who was a grandson of her husband by his first marriage. Such an infringement, if it had been sanctioned, might have given rise to contention between her and the wife of the new Earl of Morton as to the right of the former to the designation of Lady Morton.

Bearing on her ownership of this territory two writs are here added, which shew that Janet Borthwick, Lady Morton, who afterwards became Countess of Caithness, uniformly stoutly defended her rights to Morton when these were invaded by neighbouring proprietors.

The Castle of Morton, like the adjacent castle of Tibbers was subsequently included in the extensive estates of the Dukedom of Queensberry. It was the castellated residence of Dunegal of Stranit or Nithsdale, in the time of King David the First (1124-1153). Both the Barony and Castle of Morton formed part of the possessions of Sir Thomas Randolph, the great great grandson of Dunegal. Through the marriage of his father, Thomas Randolph of Strathdon, with a sister of King Robert the Bruce, he obtained from his uncle the Earldom of Moray, the Lordship of Annandale and the barony of Morton. These estates were inherited by his daughter Lady Agnes, the famous "Black Agnes" of Dunbar, and Countess of March. The Douglases of Dalkeith afterwards acquired

the barony of Morton, and also a new creation of the title of Morton from other lands as above explained.

64. NOTARIAL INSTRUMENT, narrating that in presence of the notaries and witnesses, a noble man Robert of Dalzel of that ilk personally compeared, and presented a brief from the royal chancery purchased by him under part of the Great Seal, inelosed in white wax in manner of court, having in the end thereof on the right hand "Baroni de Mortoune et balliis suis diete baronic pro Roberto de Dalzel," within the outer gates of the Castle of Mortoune; and having so publicly shown the brief, he craved the presence of William of Douglas, knight, baron of the barony of Mortoune, or any other person baron of the said barony, having power to give heritable sasine to him of the lands of Balibocht with the pertinents, according to the tenor of the brief hanging in his hand, offering humbly to pay the service due and wont. Whereupon approached a noble Lady, Jonet of Borthwie and received the said brief from the hand of the said Robert, and flatly refused to restore him the brief, and said that the said Robert could neither obtain the presence of the baron nor sasine of the aforesaid lands in any manner. Upon which the foresaid Robert Dalzel eraved instruments. Done at the Castle, the 11th hour before noon, 1 April 1456. Witnesses, Robert of Crechtoun of Sanchar, knight, sheriff of Drumfres, Lady Jonet of Borthwie, John le Menzeis of Cunath, Charles of Moray of Cokpule, Sir Henry, chaplain of the said Lady Jonet of Borthwie, with sundry of her household, Edward of Crichtoun, Henry Neilson and John le Menzies of Aehinceil, Thomas of Burne and Michael of Byrkmyr, notaries.

Another Notarial Instrument narrates a second attempt to obtain seizin when Robert of Dalzele, lord of that ilk, gave the brief called "Breue Furthe" from chaneery, directed to the lord of the barony of Mortoune to Jonet of Douglas, commonly called Lady of Mortoune, which the notary read, and which charged the baron to give seizin of the lands of Belliboucht to the said Robert, she being baron, or having power to give seizin. Lady Jonet answered that the lord of the barony of Mortoune willed not, nor was bound to give him seizin of the said lands because they were proper and heritable lands of the barony. Done at the gate of the Castle of Mortoune, 14 May 1456.

Seizin was ultimately given ten years later on a Precept of Sasine by William of Douglas, knight, lord of the lands of the barony of Mortoune, directed to William of Douglas of Drumlangrig, John Menzies of Cunath, Edward of Crechton and John Tailzefer, his bailies in that part, stating that he had given to his well beloved cousin, Robert of Dalzell of that ilk, his lands of Bellyboucht in the barony of Morton and sheriffdom of Drumfres, Edinburgh, 3 November 1466. Seizin was given by Drumlangrig at the chief messuage of the said lands in presence of David Heris of Awendail, knight, Sir Robert of Crechton of Sanchar, knight, and sheriff of Drumfres, Thomas of Kykpatrik, lord of Kylosberr, Edward of Crechton, Thomas of Dalzell of Buthax and others, 5 November 1466.

65. LETTERS OF CONFIRMATION by King James the Third by which he ratifies a decree made at Perth the 5th June 1464 in presence of the Lords of privy council, to wit, James, bishop of St. Andrews, Thomas, bishop of Dunkeldin, Andrew, lord Avandale, chancellor, John, Earl of Athole, David Earl of Crawfurde, John Lord Dernle, Walter, Lord Lorne, Andrew, Lord Gray, Robert, Lord Flemyn, Robert, Lord Lite, Sr James of the Car . . . Sr John of Colquhoun of that ilk,

knights, Master Archibald Quhitelaw, secretary, and Thomas Forbes Dauisou; in the action between Jonate, Countess of Cathness, and Sr William of Douglas of Mortoune, knight, her son, on the one part, and Robert of Dazell of that ilk, and George of Kirkpatrick of Pendlirsax, on the other part, touching the proof made by Jonate "of the gudis spulzeit fra hir oute of the landis of the barony of Mortoune," of which proof a part sworn in Edinburgh in presence of the said Andrew, Lord Avandale, and then committed by him to Master Archibald Quhitlaw and examined by him touching the "spulzie" made by George of Kirkpatrick, and another part "sworne and committit be oure souerane lord to Master John Ottirburn," official of Louthiane, Master William Forman, "dene of that ilk" and Thomas Oliphant, to receive their depositions regarding the spoliation made by Robert of Dalzele of that ilk and his accomplices. The Lords deliver that Robert of Dalzelle of that ilk and George of Kirkpatrick shall pay to Jonate, Countess, and to Sr William of Douglas, her son, the sum of £400 Scots for the "spulzie" committed on them after the tenor of the act she has thereupon; and that the said Robert and George shall within twenty days after the date "entir within the Kingis warde," Robert in the Castle of Lochlevyn, and George in the Castle of Strueline, and within twenty days after the entry find surety to Jonate and William to pay them the said sum of £400 within four months after. Which twenty days being gone and no surety found the King shall immediately "presoun thaire personis, mak penny of thaire gudis" and sell of their lands till the sum were paid, Robert and George having recourse against their complices according to the first act. Which act and decree the King ratifies and approves. Given under the testimony of the great seal at Perth, 5th June, fourth year of reign (1464). Seal wanting.

HEAD FOURTH.—ANCIENT CHARTERS granted by the BRUCES, LORDS OF ANNANDALE, subsequent to the grants of the territory of Annandale by King David the First in 1124.

These are a very interesting collection of feudal charters from 1190 down to the succession of King Robert the Bruce, and his nephew, Randolph Earl of Moray, who became Lord of Annandale and Man after Bruce became King. The earlier of those charters contain the names of the Johstones of Johnstone, the Jardines of Applegirth, the Corries of Corrie and many other Annandale families who have long flourished in that district. One of the earliest of these charters, if not the earliest, is by Robert Bruce to Ivo without any other name. In the course of a few years however, William Bruce granted to Ivo of Kirkpatrick the land in the fee of Pennersax, which is called Thorbree and Willamby. Between the date of the first and second of these grants, Ivo obtained part of the lands of Kirkpatrick, and he is now designated Ivo of Kirkpatrick. All the Kirkpatricks claim this Ivo as their ancestor. The name of Ivo has been preserved in successive generations of the Kirkpatrick family, and these two charters shew the practice of a person having at first only a christian name adding to it a surname on acquiring landed property.

66. CHARTER by Robert Bruis, granting to Ivo and his heirs a place between the fishings of Blawad (Blawatwood) and the water of Hesch (Esk); to be held of the grantor for purposes of fishing and spreading nets; rendering yearly a pound of pepper or six pennies. Witnesses, Peter of Humez, Hugh of Corri, Hugh, son of Ingebald, Robert of Hodelm, Walter de Bosco, Humfrid of Gardin (Jardine), Richard Flammanc (Fleming), Henry son of Gerard. Circa 1190.

The original charter is in the following terms:—Robertus de Bruis, omnibus hominibus suis et amicis, salutem. Sciatis me dedisse et concessisse et hac carta mea confirmasse Iioni et heredibus suis, locum qui est inter piseariam de Blawad et aquam de Hesch; tenendum de me et heredibus meis, ad piscarias suas faciendas et retia tendenda, libere et quiete; reddendo michi annuatim unam libram piperis, uel sex denarios; hiis testibus, Petro de Humez, Hugone de Corri, Hugone filio Ingebaldi, Roberto de Hodelmia, Waltero de Bosco, Humfrido del Gardine, Ricardo Flamanc, Henrico filio Gerardi. [The tag for seal remains bearing marks that the seal had been appended.]

67. CHARTER by William of Brus, addressed to his men and friends, Franks and Angles, granting and confirming to Adam de Karleolo (Carlyle) son of Robert, and his heirs, the lands of Kynemund by their right divisions, and of increase the whole land with wood and pasture as far as Steinreisbeeh, and so according to the lead by the middle of the marsh between west and north of Wrennehoc towards the Blanch land to the nearest bridge of the Blanch land but one, and so from that bridge as far as the spring whenee the lead comes whieh is called Houticroftebech, and so according to that lead descending to the sike in Winterbech Scok which passes by Walterbrig; and so by that sike as far as Blabech; and so by Blabech descending to where it falls into Gillemartinebech; and beyond Gillemartinebech comonyt of pasture with those of Millebi; and with Brakanepheit; and one mill with a pond and a reasonable site, and with reasonable roads to the mill and to the water to be led to the mill upon Polraban in the territory of Cumbertres. And within these bounds the grantee and his heirs shall be able to build and cultivate and make erections wherever they will, except in Brakanepheit where they shall not make houses unless by me. The grantee and his men shall also have free roads to market through the forest at Lochmaben through Dalton, and to Dumfreis through Rochel, and they shall hold all these lands and tenements of the granter and his heirs in fee and heritage, for performing the fourth part of a knight's service, reserving to the granter and his heirs the chase of the stag and hind, hog and roe deer. Further the granter has given the lands, with the mill, to the grantee and his heirs, to be held of him and his heirs for homage and service, and for exambion of Locardebi, which Robert de Brus, his father, gave to Robert, the grantee's father, for his homage and service. With clause of warrandise in time of peace, and promise that if the granter is unable to warrant the lands, he will give an exchange equal in value from his lands in Herterness. Witnesses, William of Heriz, Adam son of Adam, Udard of Hodelm, Hugh de Brus, Hugh of Corri, Henry Murdac, Gilbert son of John, William of Heriz, junior, Hugh Malleuerer, William of Heyneule, Adam of Dunwithie, Richard Flamanc (Fleming), Richard of Bois (del Bois), Roger son of Udard, and Simon the ehaplain. [1194-1214.]

68. CHARTER by William Bruce, granting to Ivo of Kirkpatrick that land in the fee of Penresax which is ealled Thorbrec and Willambi and the town of Blacwde, for his homage and service, to be held to the grantee and his heirs in fee and heritage, reserving the patronage of the church. Granting also the two caruates of land in the territory of Penresax, with tofts and crofts, whieh Richard son of Aidus, Robert son of Cecilia, Adam of Willambi, Adam son of the priest, Adam son of Astin, Jurdan, Stephen, and Richard son of Siric, held in Penresax, performing to the granter the service of the eighth part of a knight's fee. With clause of warrandise and a promise of exehanging, if unable

to warrant the lands, for others of equal value in Annandale or elsewhere. Witnesses, William Herice, Richard of Bois, Hugh of Corri, Umfrid Jardine, Robert of Crossebi, Gilbert of Jonistune, Roger of Kirkpatrick, Robert of Turmore, William of Hencuile, and Alan of Dunwidi. [1194-1214.] Part of the seal is still appended. On a shield a saltire and a chief—the charge on the latter defaced. Legend “S. Wilemi D. Br [us].”

69. CHARTER by Robert of Brus, granting to Roger Crispin the whole land of Cnoculeran, as bounded, namely, from Blakebec under Thornthuayt as far as to the moss (Mussam) which is above Blakebec, and so along that moss as far as Blinethuayt, and so from Blinethuayt as far as Malroser, and so by the streamlet of Malroser as far as in Pelraban, and so from Polraban along the green way to the fence of Holthuayt, and so by that fence to Threpland, and so to the marches of Hugh Hendeman's land, and as these marches fall into Blakebec: To be held of the grantor and his heirs in fee and heritage, with the common pasture of Dalton, and Little Dalton and Musefald, except that the men living on Roger's land shall give multure and pannage, but he himself shall be quit of multure and pannage from his own house. The lands are granted to Roger for homage and service, and in excambion for his land of Kinemund, and a half carucate of land which he holds near Elrebec in the fee of Moffeth (Moffat) performing the twentieth part of a knight's service; and he and his heirs shall build and cultivate within their own bounds, and in every way possible appropriate the lands to their own use. Witnesses, William of Heris, Hugh of Corri, Gilbert of Joneston, Umfrid de Gardine (Jardine), Richard of Bois, Roger of Kirkepatric, Lawrence of Berkelai. c. 1218. [Seal appended in green wax partly injured, with two impressions. The obverse shews a shield bearing a saltire, and on a chief, a lion passant gardant. On the reverse is a counter seal of smaller size with same bearings. The legend on the larger impression is defaced. The legend on the counter seal is less injured, and is “SECRETUM R[OBER]TI DE B[RUS].”]

70. GRANT by Robert of Brus to Robert Crossebi of all the commony which the grantor or his men have in the wood of Stableton, granting also to Crossebi to have a free park of the said wood, so that he may be able to enclose it. Witnesses, Sir Umfrid of Kirpatrick, Sir Adam of Carnoto (or Charteris), Sir Gilbert of Jonestonc, Sir Alan of Dunwidi, Hugh son of Hamelin, and Robert of Herice. [Ante 1245.]

71. CHARTER by Robert of Brus, Earl of Carrig (Carriek) and lord of Annandale, granting and confirming to Sir William of Karleolo (Carlyle), knight, and his heirs, for the incrase of his land of Kynemund, a piece of land from the common pasture of the tenement of Neuby, which piece begins at the house which Malota held, and extends beyond Litelsweit Moor transversely as far as Castelbec, and from Castelbec transversely to Langesweit Moss across Batemanridding as far as the march of Brakansweit and the land which Hugh son of Laurence held and so descending by a fence as far as the house of the late John Bond, and from that house descending by a fence to the rivulet called Gillemartinelae, and so ascending as the land of Sir William Carlyle lies, to Mikelkeldwelle, and from Mikelkeldwelle ascending by the Morhouses to the Holgate, which is between the land of Morhouses and Sir William Carlyle's manor of Kynemund: To be held to him and his heirs of the grantor and his heirs, with power to enclose the same by hedges and ditches, to cultivate, build, make

meadow and arable land, and act as proprietor in all things within the said piece of land. Clause of warrandee. Witnesses, Sir Roger Kirkpatrick, Thomas of Torthorwald, James his brother, Hugh Mauleverer, Humphrey Bois, knights, William de Gardino (Jardine), Walter of Corri, Nicholas of Corri, then Steward of Annandale, Walter of Bois and others. [Post 1271.]

72. CHARTER by William of Heriz, Knight, granting to Sir William of Carlyle (de Karleolo), Knight, and Lady Margaret his wife, daughter of the late Sir Robert of Brus, and the heirs of their bodies, of one fishing which is called Clutesker, with one fishing which is called Baysenette which he [Heriz] held of the chief lords of Annandale (Vallis Anand), in the tenement of Anand, with their sure marches and freedoms; to be held of the chief lords of Annandale for rendering of services due and wont. If Sir William and Margaret died without lawful heir of their bodies, the grantee wills for himself and his heirs that the said fishings should remain with Sir William and his heirs and assignees without any condition for ever. The grantee warrants the fishings "contra omnes gentes warantizabimus," first to the parties, and then to Sir William's heirs and assignees as above. Witnesses, Sirs Thomas of Torthorald, Humfrid de Bosco, Hugh Mauleverer, knights, Robert of Apelindene, Nicholas of Corri, John Flemyn, John of Torduff, William of Henevile. Seal wanting. No date, but *circa* 1304.

73. CHARTER by William of Heriz, Knight, to Sir William of Carlyle (Karleolo), Knight, and Lady Margaret, his wife, daughter of the late Sir Robert of Brus and the heirs of their bodies, of an acre of land with a salt pan (salina), which the grantee held of the chief lords of Annandale, in the tenement of Roynpatrik, with all freedoms pertaining to them; To be held by them &c. of the chief lords of Annandale; Rendering to the chief lords for the time the services due and wont; and if the said William and Margaret should happen to decease without heirs of their bodies, the land and salt pan to remain with Sir William and his heirs and assignees. Contains a clause of warrandee both to Sir William and his wife &c., and to Sir William and his heirs. Seal appended before Sirs Thomas Torthorald, Humfrid de Bosco, Hugh Mauleverer, knights, Robert of Applingdene, Nicholas of Corri, John Fleming, John of Torduf, William of Heneuille. [No date. c. 1305.]

74. CHARTER by George of Dunbarre, Earl of March, Lord of Anandale and Man, by which he certifies that he had seen and diligently understood the copy of a charter of Robert of Brnys of good memory, illustrious King of Scots, as follows:—Charter by Robert, King of Scots, granting to his well beloved and faithful Adam de la Chambre all the land which formerly belonged to Emmot Rede, lying in the town of Moffet in Anandale, with le "forelandis" of the said town: to be held of the King and his heirs, to the said Adam, his heirs and assignees, with all their just pertinents, right meiths and marches, in meadows, plains and pastures, moors, marches, ways, paths, and in waters, woods of Moffetdale and of Auendale, for building and burning, with brew-house (bracina) and butcher-house (carnificio), to sell at their will without the use of inspectors for estimating the price of ale and flesh, freely, quietly, and also free from multure in the Mill of Moffet and from "tolle" within Anandale "de cariag et pulcar," with all other commodities. The King also grants to Adam and his heirs a toft wherever he should choose in the common of Moffet for building and dwelling,

with an acre of land next adjacent, and pasture for his beasts (animalium) at his will. Reddendo, one penny at Pentecost at the parish church of Moffet, if asked. Contains clause of warrandice. Witnesses, Alexander of Lyndesay, Alexander of Meneyhes, Robert of Keth, Gilbert of Haye. Which charter the Earl ratifies and confirms, saving his service. The seal of the regality of Anandale is said to be appended (now wanting). Confirmation post 1368. Original charter c. 1316 (?).

75. CHARTER by King Robert Bruce granting and confirming to Humphrey of Kirkpatrick, for his homage and service, the whole lands of Torthorwald, namely the whole mains (or demesne—"dominicum") entirely separated from the commonalty, and the whole town (villam) of Torthorald, with multures, &c. also three husband lands of the town of Roucan, namely the land of Gilmorduff, the land of John son of Colman, and the land of Robert Scot, with the multures and mill of the whole town of Roucan, with free ish and entry to the said mill; to be held of the King and his heirs, in fee and heritage, for performing the service of one archer, and three suits yearly at the sheriff court of Dumfries (Dunfres). The King further grants the lands to Humphrey in free warren, and forbids any one to cut, hawk, or hunt, in the lands without Humphrey's special leave, or to fish in his lakes or fishponds under pain of forfeiture. Witnesses, William, bishop of St. Andrews, William, bishop of Dunkeld, Bernard, abbot of Abirbrothoc, chancellor, Duncan, Earl of Fyf, Thomas of Randolph, Earl of Moray, and Lord of Annandale and Man, the King's nephews, and James, lord of Douglas, knights. At Scone, 10th July, sixteenth year of the King's reign [1321]. Seal wanting.

76. CHARTER by Thomas Randolph, Earl of Moray, lord of Annandale and Man, granting and confirming to William of Carlyle (Carleolo), laird of Los (Luce near Hoddam), the granter's kinsman (consanguineo nostro) special permission to make a park from the lands of Neulandys and of Dikys, and for enclosing the adjacent moor as far as Bochardbech, and so descending to the water of Anand, excluding the way which leads from Los to the town of [torn in original]: To be held of the granter and his heirs for ever. Witnesses, Roger of Kyrkpatrick, William of Gardin (Jardine), Patrick of Carnoto, knights, and Humphrey Bois. [*Ante 1329.*] Seal wanting.

77. CHARTER by Thomas Randolph, Earl of Moray, lord of Annandale and Man, granting and confirming to John of Carlyle (de Carleolo) son of the late Sir William of Carlyle, special permission to enclose the park of Kinnemoth (Kinnmont) without a thicket, and to hold the said park in free warren. To be held of the granter and his heirs without contradiction, the granter forbidding any one to cut, hawk, or hunt in that park without licence from John Carlyle; at Lochmaben (Loghmban), 29th March 1329. Witnesses, Roger of Kilpatrick, William Gardin (Jardine) and Humphrey of Bois, knights, William of Carlyle, Ralph Frankys, and Adam of Corry. Seal wanting.

78. CHARTER by John of Grame, son and heir of Sir John of Grame, knight, sometime laird of Maskessewra, narrating that he had wadset to Roger of Kyrkpatrick, laird of Torthorald, the whole annual rent of 40s. due to him from the land of Over Dryfe, in the tenement of Hotoun, within Annandale, for £200 sterling paid to the granter in his necessity; the said annual rent to be held to Roger and his heirs, of the granter and his heirs until the granter can pay the £200 within the hapel of Kyrkbride, in the tenement of Kyrkpatrick *juxta* (near) Moffet,

in Annandale, upon a green cloth before the high altar. Further, the annual rent is granted with its arrears as a free gift, without compensation, to be made to the grantee. Dated at Carlaveroek, the Monday after Epiphany [5th January] 1355-6. Witnesses, Thomas, Abbot of Sweetheart, Walter, abbot of Holywood, John Stewart, laird of Dalswinton, Thomas Kyrkpatrik, laird of Kylosberne, and Alan of Alayntoun. [Seal attached in fair preservation. A shield bearing a saltire, and on a chief three scallop shells. Legend partly illegible. S.[JOH'G]RAME DNI DE MASSKESSWRA.]

79. CHARTER by Robert, Steward of Scotland, Lieutenant of the King, confirming the grant which John of Corri, laird of that ilk, made to Roger of Kirkpatrick, "consanguineo nostro," of the lands and lordship of Wenfray and Dunereth, with the advowson of the church of Wenfray (Wamphray): To be held to Roger and his heirs in fee and free warren. Dated at Perth, 16th June 1357. [Seal wanting.]

[In an Inventory of the writs of Torthorwald and Carlyle, dated anno 1686, at Drumlanrig, there occurs the following entry:—

"Item ane charter be William of Kirkpatriek to John of Garroche of the two merk land and a half of Glengap and Gerardhill, within the tenement of Wamfray, daitit 22 April 1372."]

80. CHARTER by William Lord Creightoun, granting to Gilbert of Corry, son natural of James of Corry, for his service the lands of Tordoff and Dalbank, in the lordship of Annandale and sheriffdom of Dumfries: To be held of the grantee as lord of the holding of Carutheris and his heirs male, &c. to the said Gilbert Corry and Elizabeth, his wife, daughter of John Carutheris of Holmendis, the survivor of them, and the lawful heirs male of their bodies; whom failing to the grantee and his heirs whomsoever, in fee and heritage, for the services due and wont from said lands; reserving the livery thereof to the said James of Corry for his life. Dated at Streelyn (Stirling), 18th February 1449-50. Witnesses, James, Lord of Frendraeht, Knight, the grantee's beloved son and others. [Seal attached in fair preservation. On a shield quarterly 1st and 4th a lion rampant; 2d. and 3d., a saltire and chief. Legend "S. WILLIEMI DOMINI CRICHTON."]

HEAD FIFTH—ANCIENT WRITS relating to the family of Carlyle, Lord Carlyle of Torthorwald.

The Carlyles in their earliest appearances in Scotland were associated with the Bruees, lords of Annandale, some of whose charters are given in the foregoing section. One of the earliest known members of the family, Sir William de Carlyle, was married to Lady Margaret Bruee, one of the daughters of Robert Earl of Carrick and sister of King Robert the Bruee. King David the Second granted a charter to Robert de Corry and Susanne, his wife, daughter and heir of the deceased Thomas de Torthorwald, the King's cousin, who had died in the King's presence at the battle of Durham, of the lands of Conlyn and of Ruchane, in the sheriffdom of Dumfries, which belonged to the deceased William Carliolo, the King's cousin. This charter is dated at Edinburgh 18th October [1363]—[Enrolled in the Register of the Great Seal.]

The first of the family raised to the peerage was Sir John Carlyle of Torthorwald, who was created Lord Carlyle of Torthorwald in or about the year 1475. The title was inherited by Michael, the fourth Lord Carlyle, who on account of the death of his eldest son without male

issue, in 1573, bestowed his barony of Carlyle upon his second son, Michael, to the prejudice of Elizabeth Carlyle, the only child of the deceased William, Master of Carlyle. This led to a long litigation for the estate, ruinous, it is said, to the parties, which terminated in favour of the heiress of Carlyle. Her eldest son, Sir James Douglas of Park-head, had the title of Lord Carlyle of Torthorwald allowed to him in the year 1609.

The estate of Carlyle or Torthorwald was acquired by Sir William Douglas of Drumlanrig, afterwards successively Viscount of Drumlanrig and Earl of Queensberry, who on the 8th January 1622 had a charter to himself and his son James of the barony of Torthorwald. The territorial title of Torthorwald also ultimately passed into the Queensberry family, as William, the third Earl and afterwards first Duke of Queensberry obtained in 1682 the dignity of Viscount of Torthorwald as one of his minor titles.

81. INDENTURE of marriage, which is made between Sr Thomas of Kyrkpatrik, lord of Killosbern, and William of Carlell of Torthorwald, by which it is agreed that Sr Thomas shall have Jone [John] of Carlell, son and heir of the said William, to be married with Elizabeth, daughter of Sir Thomas and of Dame Margaret his spouse: For which he shall give to the said William 400 marks Scots, to be paid by fifty at every term, the "said Willzam julowand (allowing) to the said Schir Thomas at the fyrst term of the forsaid payment alsmekill as he has resauit fra the said Schir Thomas for the said mariage of befor tyme. Item, it is accordit, at the saidis Jone and Elisabeth sall be handfast, as the oys is, in haly Kyrk at the enterchanging of thir present indenturis, but langer delay, and at the next opin and laehful tyme folowand, the matri-mone to be complete and fulfillet betwix thaim, as oys is, in haly kirk, but langer dclay, fraud or gille." It is also accorded that Schir Thomas with advicee of the said William shall "get a sufficient scoler to ler [learn] and to tech the said Jone sic thingis as be the forsaid partis ar sene mast spedfull and profitabill to tech him, and hald him tharat, ay qwill it be sene to the said partis profitabill at he be haldyn tharat." It is also accorded that when it happens Schir Jone of Carlell, father of the said William, to decease, the said William shall give 20 marks worth of land "in gaynand plas, to the lyfing of the saidis Jone and his wyf wythtin the spas of a zer next efter the dede of the said Sehir Jone" if he happened to obtain his land, &c. Item, the said Schir Thomas at his godly power "sall wytht his body, his traual and his consall be in the helping, suppowaling and furthiring of the said Willzam in his rychtwis caisis, in lyk eas as he wold be till ony of his awyn barnis, for all the dayis of his lyf, but fraud or gille, and he till him in the samyn maner, but fraud or gille." For observing all these conditions both parties, "haf bath bodey geuyn vthir thair trowthis" before witnesses, Thomas of Kyrkpatick, Thomas the Grahame, Jone the Grahame, Stenyn of Kyrkpatrik and Androw Hamiltoun. To the part remaining with William the said Schir Thomas has set his seal, and to the part remaining with the latter the said William has set his seal, at Drumfres, 8 March 1432.

82. INDENTURE between William of Carlell of Torthorwald and Thomas the Grahame of Aehincayse, of the lands of Rowean. 2 September 1436.

This indenture made at Drumfres, the second day of the moneth of September, the ycr our Lord m^oeccc^o xxxvi^o, betwixt worschipful men, that is to say, Willzam of Carlell of Torthorwald on the ta part, and Thomas the Grahame of Achincayse on the tothir part, propositis and

beris witnes, that thai ar aeordit in maner and forme eftyr folowand ; that is to say, that the said Willzam and his ayris betwex him and Elisabeth of Kirkpatrik, qwilum his spows gettyn, sall haf all the landis of the Rowcan wytht the pretcneneis that belangis or may belong to the said Thomas, be resoun of qwilum Jonet of Kyrkpatrik, his spows, lyand witht in the barony of Torthorwald and the schirraydoune of Drumfres. Alswa, it is acordit that the said Thomas and his ayris, betwix him and the said Jonet gettyn, sall haf al the landis of Kyrkpatrik wytht the pertenences, lyand withtin the 1egalite of Ananderdall and the said schirraydom, that belangis or may belong to the said Willzam in properte, be resoun of the said Elisabeth, qwilum his spows. Alswa, it is aeordit that the said Willzam sal geve to the said Thomas in recompensacioun for the said permutaeiou a hundyr mark of gud and vsuall money of Scotland to be payit to the sayd Thomas, his ayris, executuris or assignais, at dayis and termis vndir writyn, that is for to say, thretty pund at the entyrechangin of thir forsayd indenturis, and tene pund at the Martynmes next thar eftyr folowand and fowrti mark at the Qwissonday next thar eftyr folowand, but langer delay, fraud or gille. And at all thir condieounis and poyntmentis before writyn sall lelely and trewly be kepit, the partyis before writyn ar bodey obllisit, the haly ewangell twichit ; and for the mar witnessing to the partis of this indentour the partyis befor writyn has interchangeableably set their sellis, at zer, day, place, befor writyn in presence of ayris wytlit thair consentis. [Seal wanting.]

83. INSTRUMENT of Sasine, certifying that an honourable man, John Corbat, laird of Hardgrafe and Lymekylneys, delivered to a noble man, William of Carlyle, lord of Kynmond and Torthorwald and his heirs, state and sasine of his lands of Lymekylneys, in the sheriffdom of Drumfres and regality of Anandale, wadset by Corbat by special licence of the King to the foresaid William for eertain sums of money, aecording to the tenor of the King's letters, shown and read, and certain letters and indentures made between parties on the wadset (or mortgage). These things were done in the old principal manorplace of the lands of Lymekylneys, 2 August 1443. Witnesses Mr. Thomas Tyndyng, rector of (Anand ?) deaeon, &c., John of Carlyle, Thomas MeKovlath, Robert Glendonwin and Patrick Corbate, esquires (scutiferis).

84. CONFIRMATION by King James the Second, by whieh he ratifies an aet or decree of his instant parliament held at Edinburgh, made by the auditors of causes and complaints deputed by the parliament, bearing that on the second day of the month of July 1445, in the parliament held at Edinburgh, it was concluded and decerned by William, abbott of Cupar, Walter, abbott of Ineheolm (Insule sancti Columbe), William prior of Vrquharde, John Skrimgeoure, constable of Dunde, Andrew Ogilby of Inchmartyne, John of Dunbar of Cumnock, knight, John Lummysden of Glengernach, James Parkle, Thomas of Cranstoun and Thomas of Bervic, commissioners specially deputed to hear and determine eauses of complaints, in the causes between a nobleman, William of Carlile, plaintiff on the one part, and Herbart lord le Maxvell, knight, and Robert, his son, defenders, on the other part, that the said William of Carlile should remain in possession of the fishing between Cummyrtreis and Loehir according to the tenor of his charter, shown before the deputies, made to him (sibi confecte) by William de Broyss ; and if the said lord le Maxvell assert he has auy right, he should pursue his right aecording to form of law. Further they deeree that the spoilings made in mutual attaeks by the said parties should be remitted to judges deputed by the King to the said cause. Further in

reference to £5 claimed by the foresaid William, because it had not been proved by him at the term assigned, that he should pursue his right before his judge ordinary. Given and extracted from the Register by John of Scheucs, Clerk of Rolls and Register of King James the Second, under the seal which he used (quo vtor) in the office of the officialate of St. Andrews and with his manual subscription. Which act or decree the King confirms in all points. Given under the testimony of the Great Seal at Edinburgh, 3 July, ninth year of reign [1445].

85. PROCURATORY of Resignation by John Corbet, laird of Hardgray and Lymekyllis appointing Sir John of Carlile of Luse, knight, and Lanceloth of Abirnethi, burgess of Edinburgh, to be his procurators to resign, and by staff and baton purely and simply overgive his lands of Lymekyllis, with the pertinents, lying in Annandale in the sheriffdom of Drumfres in the hands of a most exellent prince and the granter's lord, James, most illustrious King of Scots, the overlord of the said lands; and he resigns the same by these presents, and quitclaims all right to the same. Seal appended at Hardgray, 17 April 1452. Seal attached, circumscription "S : Ihois corpet + dñi + d hardgra." Shield, a saltire in base, on a chief three ravens. Crest a raven.

86. Charter by King James the Second granting to his beloved and faithful William of Carlile of Kynmound, the lands de le Lymekyllis, in his lordship of Anandirkdale and sheriffdom of Drumfres, which belonged to John Corbet heritably and were resigned by him at Edynburgh by his procurators in the King's hands; to be held by William of Carlile and his heirs, of the King, his heirs and successors, in fee and heritage, as freely as John Corbet or his predecessors held them. The King's great seal is commanded to be appended. Witnesses, James, bishop of St. Andrews, the King's dearest cousin, William Lord Creichtoun, the King's chancellor and beloved cousin, the Lords, the King's cousins, George Earl of Angus, Thomas, Lord Erskyn, Lawrence, Lord Abirnethi in Rothimay, Andrew, lord le Gray of Foulis, James, Lord Fendracht, chamberlain, Hugh Kennedy, provost of our collegiate church of St. Andrews, and our beloved clerk, Master George of Schoriswod, rector of Cultre, at Edynburgh, 25 April 1452. Subscribed by the King "James R." [Seal wanting. This charter is not in the present record of the Great Seal.]

87. PRECEPT of Sasine by Mary Queen of Scotland (Regina Scocie), tutrix and governess to her beloved son, Alexander Duke of Albany, Earl of March, Lord of Anandale and Man, directed to the Steward of Anandale and his deputes. The precept narrates that an inquest had been made by the Steward, at her command, in name of her son, and returned to her chancery, in which it was found that the late William Carlile, father of John Carlile, knight, died at the faith and peace of a most excellent prince, our dearest son, James, the most illustrious King of Scots, in the half part of the lands of Medilby, and of the tenement of Lus, and of the lands of Kynmont, the lands of Kinkill and the lands of Lochirwod; that the said John was nearest heir of his father and of lawful age, and that the lands were held of her son, as lord of the bailiary of Anandale, in chief. Charging the Steward to give him sasine, taking security for £117 of relief of the lands of Medilby and Kinmont, and two red roses for duplication of blenchferm for the lands of Kinkill, and two red roses for duplication of blenchferm for the lands of Lochirwod. Given under our seal at Pebl[is], 10th November 1463. [Seal wanting.]

[John Lord Carlele has an instrument of sasine in the lands of Kynmounde with mills, Lochirwoude with mill, Durnok with mill and advowson of the church, Middilbe with mill and advowson, Kyrkconnell with mill and advowson, Lus with mill and advowson, Anand with fishing, Kirkpatrick with mill, Brumell, Mariorybank, Oulecotis, Egilfchanne, Riall, Cummertrees, Torduff, Bengall, Dailbank, Brydkirk, Locht-mabane, which Lord Carlele had resigned personally at Edinburgh, and which the King had united with the barony of Carlele in charter. The King's precept which is engrossed is dated at Edinburgh, 20 January, twenty-eighth year of the King's reign. Sasine is given to Adam of Carlell, elder, attorney of John, Lord Carlele, by Robert Carlele, son of John, Lord Carlele, sheriff and bailie of the King in that part, who approached to the principal messuage of the lordship of Carlell and gave sasine there at the iron gate of the Castle of Carlele, 30 January 1486- [7].]

88. "ITEM ane chartor grantit be his Majestie under the great seal to Joⁿ Lord Torthorwald, erecting the town of Torthorwald, in all tyme coming to be callit the town of Cairleill, in ane free burgh of barronie; give and power to the inhabitants therein to buy and sell in the said burgh of Carleill all merchandice pertaining to ane burgh of barronie, with power to have baxters, brousters, fleshers, and workmen of all airts and trades, pertaining to the libertie of ane burgh of barronie, and to have ane cross and mercat day ilk week, and oppen fairs ilk year, daitit 3 December 1473." [Old Inventory of Torthorwald and Carlyle Writs 1686, at Drumlanrig.]

89. "ITEM ane renunciatioun made be Wedast Greirsone of the Lag to John, Lord Cairlie, of the lands of Glengip, Garvellgill and Gimmonbie, daitit 6 Januarii 1476." Renunciations by Robert Graham of Thornik to John, Lord Carlyle, of his right to Glengip and Garvelgill and of his part of Gimmonbie, 16 January 1476.) [Old Inventory of 1686 *supra*.]

90. "ITEM ane precept of seasing given be William Lord Creichtoun for infesting John, Lord Cairlie, in all and haill the lands of Torduff and Dailbank. Daitit 26 April 1477." [Also Sasine following and resignation in his favour, 24 April 1478.] [Old Inventory of 1686 *supra*.]

91. "Item ane charter grantit be his Majestie under the gritt seal to John Lord Cairleill of the lands and lordship of Cairleill upon his own resignation, daitit 1487."

[Sasine 30 January 1486 *sic* but 1487.] [Old Inventory of 1686 *supra*.]

92. NOTARIAL INSTRUMENT of Resignation narrating that in presence of a magnificent prince and mighty lord, Alexander, Duke of Albany, Earl of March and lord of Anandale and Man, and witnesses, compeared personally Robert Grahame of Achineash and resigned all his lands of Rowcane, in the barony of Carlile, and sheriffdom of Drumfres, into the hands of a noble man, John, Lord Carlile, his overlord of the same, by staff and baton, and quitclaimed the same, for himself, his heirs and assignees, to be held to the said John and his heirs for ever. In more evident witnessing whereof the said Robert procured the seal of the said Duke to be appended. Done at Edinburgh, in the chamber of the said lord Duke, at ten before noon, 20 December 1475. Witnesses, David Rantoune of Bille, John Carn's of Orchard . . . Malcolm

Drummond, William Bronne, John Taillefere, notary. [Seal attached, partly broken.]

93. CHARTER under the great seal of King James the Third, by which the King, considering the faithful and thankful services done to his progenitors and himself by his well beloved cousin, John Lord Carlile for a long time, and to recompense the said John for his frequent expenses and great labours to the danger of his person, at sundry times in the King's affairs outside the realm with the King of France and elsewhere, being now in his perfect age, grants him the lands of Drumcoll, in the shire of Dumfres, which were come into the King's hands by the forfeiture of the late Alexander Boyde of Drumeoll, knight, and which the King annexes to the barony of Carlile: to be held by him and his heirs of the King and his successors, for rendering for it and the whole barony of Carlile, one suit at the head court of the sheriffdom of Dumfres yearly to be held after the feast of St. Michael, and other services due and wont. Clause of warrandice, notwithstanding any gifts to other persons or annexations, &c. 31 October 1477. [Seal appended, but broken. Register of Great Seal, Vol. II., No. 1327.]

94. ANOTHER Charter by King James the Third to the same of the same lands after his perfect age of twenty-five years, and having by authority of the three estates in his parliament held and begun at Edinburgh, 1 June 1478, made special revocation of the union and annexation made in his tender age of the lands of Drumcoll, which is to be henceforth of no strength nor effect. The King accordingly grants the lands as before and in similar terms. 12 June 1478. [Seal attached, but broken. Register of Great Seal, Vol. II., No. 1385.]

95. RATIFICATION by the King of the above charter (No. 93) which is engrossed. The King, with advice and consent and mature deliberation of the three estates of parliament held and begun at Edinburgh, 2d April 1481, made on the 11th April the confirmation. Appended are the seals of William, Archbishop of St. Andrews and various other bishops, earls, barons and commissioners of burghs assembled in the parliament in token of their consent. Great Seal appended at Edinburgh, 12th April 1481. [Great Seal and another seal remaining, both broken. The other seal seems to be of John (Laing) bishop of Glasgow. Not in Register of great Seal.]

96. DECREE in a Court held at Penpont by Robert Crechtoun of Sanquhar, sheriff of Drumfrese, on 30 January 1481-2, with consent of parties, namely, Robert Charteris of Amysfield and Robert Carlile, procurators of John, Lord Carlile, on the one part, and Jasper Newlandis of that ilk, on the other part, affirming the day and place to be lawful. The procurators for Lord Carlile asked the sheriff to execute the King's briefs raised by him, regarding wrongful perturbation of him in his possession "of the mylne layd and draught of water to his mylne of Drumkow," by Jasper of Newlandis, by drawing away the water. Jasper alleged that the mill lead pertained to him. The sheriff chose an assize to adjudge on the case—Edward of Crechtoun of Kirkpatrick, Robert Matland of Tyberis, Edward Menzies of Daweyn, Thomas of Crechtoun, Veltre Edzare of the Inglistoun, John Fergusson of the Brakenside, Archibald of Douglas of Cowsowgill, John of Dennem of Croochane, Patrick of Abirnethy, Osewald Lokart and Duncan Huntare, who found by the mouth of Edward of Crechtoun as "forespekkare" for them, that Jasper wrongously "set the water of the mylne layd owt of the ald gang fra the mylne of Drumkow," and wrongously

put Lord Carlile from his possession of the mill lead, on which his procurators craved the deliverance and "rolment" of the court, which was granted. And it was commanded by the sheriff in plane court that John Greresone, one of the serjeants of the sheriffdom, should forthwith pass and put Lord Carlile in possession of the lead and draught of water to his mill, &c. and before many witnesses commanded the said Jasper to desist and cease from all vexation of Lord Carlile in his possession thereof. The sheriff and part of the assize are said to append their seals. [Two seals remaining.]

97. NOTARIAL INSTRUMENT narrating that, in presence of the notary and witnesses, compeared a noble and potent lord, John, Lord Carlile, sound in mind though somewhat sick in body, desiring not to die intestate but to dispose of the goods granted to him by God, lest after his death any question should arise by occasion of his goods, made and ordained his last will and testament as follows. First, he leaves his soul to Almighty God, the blessed Virgin Mary and all the saints of heaven. His body to be buried in the dust of St. Michael, the archangel, in the parish church of Carlile situated within the barony of Carlile [Torthorell]; four pennies of his goods to the fabric of the church of Glasgow in honour of St. Kentigern. He appoints his executors, Sir William Carlile, knight, his grandson (nepotem), Master James Carlile, his son lawful and natural, prebendary of Kirkpatricko, Thomas Makcellane of Bondby, Robert Carlile of Patenane, his son natural, and Adam Carlile, elder son of Adam Carlile, sometime his brother german, to dispose of all his goods and effects, as they should answer to God in the day of judgment and fulfil his bequest and ordinance about the disposal of his goods. The inventory of his goods. First, he confesses to have eight plowing oxen and £100 of silver and gold, which he has bequeathed in a condition of his testament to maintain two aisles in the parish church of Carlile (Torthorwald) founded by him before, and the chaplains celebrating mass for him and his predecessors and successors. Further he confesses to have six tassies (tassias) of silver which he bequeathed in a condition of his testament, with well advised mind, and with advice of the foresaid Thomas Makcellane of Bondby and Robert Carlile, brother of the said Sir William, and Master James Carlile, prebendary of Kirkpatricko, and sundry other kinsmen and friends of the said Lord Carlile, being present when he made such testament, to the said Sir William Carlile, knight, his grandson and apparent heir, to remain with him and his successors, for the honour and reputation of the manor place and Castle of Carlile (propter honorem et honestatem mansionis et maneriei ac castri de Carlile.) And of his further intention (deposito) Lord Carlile did not wish to make any more mention, except that he bequeathed in a condition of his testament other forty pounds to be expended on his exequies and funeral, the day of his burial. Done in the Castle of Carlile, situated in Scotland, two afternoon, 12th November 1500, in presence of Thomas Makcellane of Bondby, James Carlile, prebendary of Kirkpatricko, Robert Carlile, grandson of Lord Carlile and others.

98. NOTARIAL INSTRUMENT narrating that in presence of the notary and witnesses compeared Robert Corsby, sometime laird of Wlcottis, and asserted that he, wishing to go to England, has ordained, as he hereby ordains the sum of money due to him by William, Lord Carlile, in terms to come, for alienation of the lands of Wlcottis, to remain with the said William and in his hands till Corsby's return: and meantime ordains all

sums of money due by William, Lord Carlile, to him for the said alienation of the lordship and his lands of Wlcottis, to remain with Lord Carlile. If Robert happened to die in the journey, Carlile agreed to satisfy the wife of the said Robert according to the contract made on the alienation between them. At Drumfres, at the Minor Friars' place, 25 January 1514-5. Witnesses, John Kirkpatrick of Rokelhede, Adam Carlile and Master John McHome rector of Castlemilk.

99. BOND OF REVERSION, in which Elizabeth of Carlile, "dochter lauchfull and naturale" to William, lord Carlile, binds herself to him "my deirest father" and to his heirs, that notwithstanding he had infest her in ten pound worth of his lands of the Muirhous, of old extcnt, in the parish of Cumyrtreis and stewartry of Anandirdale, &c., with meadow, &c., and in fishing of "sex culpis" in Brewin Skar, in the same parish, with a new house built on the west side "of my chapel situat within my manere and mansioun of the Kelhead," she will up-give and resigu the same to William Lord Carlile, &c. on payment of the sum of 400 merks Scots, on the high altar of the parish Kirk of Carlile in Scotland, or as soon as her father or his heirs should marry or cause her to be married or spoused with an honourable party "nocht disconperand me," and to pay the 400 merks in name of tocher, &c. If fraudfully absenting from receiving the money, Lord Carlile &c. to have free regress to the lands, the money to be put for sure keeping in the hands of the laird of Rokelheid. Sealed at the Kelheid, 22 December 1516. Witnesses, "Adam of Carlile, my eyme" (uncle), Schir Hew Fischar, parson of Lus, and others. [Seal remaining. "S. Elizabeth Carlil."]

HEAD SIXTH.—Ancient writs relating to the family of Kirkpatrick of that Ilk, and of Kyllosbern, now Closeburn.

The Kirkpatrick traditions have connected this family with Nithsdale at an earlier date than is warranted by charter evidence. The earliest known ancestor was "Ivo" c. 1190, who afterwards c. 1194-1214 became "Ivo de Kirkpatrick." The Kirkpatricks appear to have settled in Annandale contemporaneously with the Bruces in the twelfth century, and were certainly closely connected with the Bruces as lords of Annandale. In the memorable encounter between Robert Bruce and Red John Cumyn, regent of Scotland, which took place on 4th February 1305 in the Grey Friars Church at Dumfries, Sir Thomas Kirkpatrick played such a prominent part that it has ever since been a matter of family and national history. Bruce and Cumyn were rivals for the throne of Scotland. Bruce believing that Cumyn was acting treacherously accused him of this. The two entered into hot controversy. Bruce used his dagger against his opponent and then rushing out of the church to join his friends who were waiting outside, he exclaimed to them that he doubted he had killed Cumyn. Kirkpatrick, who was one of the friends waiting outside, ran into the church to remove all doubt and with his own hand dispatched the wounded regent. He boasted that with his dagger he had made the death of Cumyn sure or sickar.* The armorial bearings of the Kirkpatricks of Closeburn have special reference to their connection with the Bruces, and to the tragic scene of the dispatch of Cumyn : Argent, a saltire, and chief azure, the last charged with three cushions, or; Crest, a hand holding a dagger in pale, distilling drops of blood. Motto, "I make sure."

* One of the familiar names applied to the late Charles Kirkpatrick Sharpe, the Scottish Antiquary, "Mak siccar."

Although the Kirkpatrick family were so closely connected with the Bruces and acquired considerable estates in Annandale and Nithsdale, and also produced several distinguished Knights, they never attained to the dignity of the peerage.* Sir Thomas Kirkpatrick of Closeburn was created a baronet of Nova Scotia by patent, dated 29 March 1685, and the baronetcy has descended to Sir James the present and eighth baronet of Closeburn. The mansion of Closeburn which was built by the first baronet out of materials of the original Tower was burned to the ground in 1748, and all the charters, papers, portraits and plate, &c. perished in the conflagration. Closeburn was sold by Sir James, the fourth baronet, to Dr. James Stewart Mcnteith; his son Charles was created a baronet in 1838.

The Kirkpatrick Charters now reported on under this head embrace the period from 1372 to 1555.

100. CHARTER by Duncan of Kirkpatrik, lord of that ilk, by which he grants, and by his present writ of mortgage, confirms to John of Carrotheris two merks of land and a half merk which are called Glengepp and Gerardgille, within the tenement of Wemfray, for twenty merks of Sterlings paid to him by the said John; to be held to the said John, his heirs, executors and assignees, till the granter, his heirs or assignees, should pay to him, his heirs, executors or assignees, on one day twenty merks of Sterlings good and legal money: Further, the granter wills and commands that from the date of the present writ, till repayment of the twenty merks, theforesaid John, &c., should enjoy the said lands without any further payment or burden. If the lands should happen to be justly alienated from the said Duncan before the repayment of the twenty merks, the granter agrees that John Carrotheris and his heirs should enjoy an annual rent of 40 s. from the lands of Over Driff, within the tenement of Hotoun, due to the said Duncan, and his heirs, by the laird of Over Driff, till he and his heirs were satisfied of the twenty merks. To the present writ of mortgage his seal is attached. Given at Castilmilk, 22 April 1372. Witnesses, Sirs John of Carrotheris, canon of Glasgow, and Thomas of Sothayk, rector of the church of Corry, John Clerk of Rokhill. [Seal now wanting.]

101. CHARTER by King Robert the Third, granting to his beloved and faithful Duncan of Kirkpatrik, knight, and Isabel, his spouse, and the longer liver of them, the barony of Torthorwald, in the sheriffdom of Drumfres, which belonged to Duncan heritably, and was resigned by him into the King's hands, in presence of most part of the chief men, barons, and nobles of the kingdom: To be held by the said Duncan and Isabel, the survivor of them, and the heirs of their bodies, whom failing the nearest and lawful heirs of Duncan whomsoever, of the King and his heirs, in fee and heritage for ever, for rendering the services due and wont. The King's seal is commanded to be affixed. Witnesses, Walter, bishop of St. Andrews, Gilbert, bishop of Aberdeen, chancellor, David Duke of Rothesay and Earl of Carric, the King's eldest son, Robert, Duke of Albany, Earl of Fyf and Menteth, the King's brother german, Archibald Earl of Douglas, lord of Galloway (Galwidie), James of Douglas, lord of Dalketh, and Thomas of Erskyne, the King's cousins, knights. At Dunbretane, 10th August, ninth year of the King's reign [1398]. Fragment of seal remaining. Not in Register of Great Seal.

* Eugenie, late Empress of the French, is from a branch of the Kirkpatrick family.

102. CHARTER by Thomas of Kyrkpatrik, Knight, lord of Kylosbern, whereby he grants to his well beloved brother, Roger of Kyrkpatrik, all his lands of Penersex with the pertinents : to be held by the said Roger, for all the time of his life, as quietly and freely as the granter held them ; with warrandice by Thomas and his heirs against all mortals. Seal appended at Kylosbern, 21 November 1423. Seal now wanting.

103. CHARTER by Archibald, Duke of Touraine, Earl of Douglas and Longauill, lord of Galloway and Annandale, granting to his cousin, George of Kyrkpatrik, son of his cousin Sir Thomas of Kyrkpatrik, lord of Kyllsbern, for his service, the whole lands of Penersex, within the regality of Anandale, and sheriffdom of Drumfres, with tenaudries and services of free tenants thereof, and advocation and donation of the church thereof, all resigned in the town of Drumfres by the said Sir Thomas : To be held to the said George, and the lawful heirs male of his body, whom failing to the said Sir Thomas, and the lawful heirs male of his body, whom failing to Roger of Kyrkpatrik, brother of the said Sir Thomas, and the lawful heirs male of his body, whom failing to Yuo of Kyrkpatrik and the lawful heirs male of his body, whom failing to Stephan of Kyrkpatrik, and the lawful heirs male of his body, whom failing to David of Kyrkpatrik and the lawful heirs male of his body, whom failing to the nearest heirs whomsoever of the foresaid Sir Thomas, of the Earl and his heirs, in fee and heritage for ever, rendering therefor annually the service due and wont. With clause of warrandie. Dated at Drumfres, 13 June 1432. Witnesses, Sir Herbert Heris, lord of Traeglis, James Heris, his brother german, James of Douglas of Drumlangrig, Thomas of Grame, David of Murray, Sir Thomas McLyn, Sir Michael of Byrkmyr, notaries public, Sir Patrick McNawany, Andrew Hamiltoun, and Richard of Corsby. [Seal of the granter appended, slightly broken.]

104. LETTERS of Quitclaim by Edward of Craufurd, son and heir of "Ione" of Craufurd, lord of Trarinzan, by whieh he renounces for him and his heirs "till a worschipfull lord," Sir Thomas of Kyrkpatrik, lord of Killosbern, "and to George of Kyrkpatrik, his sone naturall," all right he had to the "landis of the town of Dalgarnok," the Lang Croft, in the barony of Teberis and sheriffdom of Drumfres, and all other conditions and bands betwixt Sir Thomas and his son and him, whieh the said Thomas and George had in possession at the making hereof. If Crawfurd, or his heirs, should do or suffer to be done anything contrary to this obligation, the penalty to be paid to Kyrkpatrik, &c., was to be £200 Scots, in the Friars of Drumfres, on the high altar, "on a day be twix the rysing and the ganging to rest of the sone," before he or his heirs could be heard in judgment making any claim, &c. Sealed at Drumfres, 21 November 1433, before William of Carlell, lord of Torthorwald, John Mur, lord of the Keldwod, Morys of Dalrympill, Androw of Hamiltoun, Patrik Fergussoun, and Schir Michall of Byrkmyr, notary public, Michaell Ramsay and Rob Walsh. [Seal wanting.]

105. REVERSION of the lands of Pennyrax.

"Till all and syndri, to quhais knawlege thir present letteris sal to cum, Mathew Irwyne duelland in Pennyrax, greting in God euerlesting. Wit youre vniversiteis, that albeit a worschipfull man, Adam of Kyrkpatrik of Pennyrax to me has sold and analyit herctable be chartir and seising all and hale thai twenty thre schilling worth and foure pennyworth off his landis of Pennyrax, of ald extent, with the pertinentis, quhilkis thir personis vndirwritin has in malyng and now oceupyis the day of the date of

thir present letteris, that is to say, Dauid Bell, the sone of Jeline Bell, a merkis worth of the said landis, and Johue Cuthbertsone, eldare, ten shilling worth of the sammyn landis of ald extent, lyand in the towne and sulze of Pennyrax, in the stewartry of Anandirdale, within the schiresdome of Drumfreis, like as is contenit at mare leinth in his chartir maid and gevin to me thareupon." Nevertheless the said Matthew Irvine binds himself that whenever, on twenty days' warning, the said Adam or his heirs should pay to him or his heirs at the parish kirk of Pennyrax, on the high altar of the same, on one day "betuix the sone risyng and ganging to of that ilk," the sum of twenty pounds usual moncy of Scotland, together with a letter of tack of the said 23 s. 4 d. worth of land of Pennyrax of old extent, with the 40 d. worth of land of Pennyrax of old extent, that David Bell, elder, the son of Walter Bell, now occupies, for thirteen years for two merks of maill yearly, that immediately after he and his heirs should renounce the said 23 s. 4 d. worth of land of Pennyrax; and engages not to fraudfully absent himself or his heirs from receiving of the said sum. Seal appended at Edinburgh, 6 June 1493. Witnesses, Robert Charteris of Amysfield, John Charteris his son, Robert of Maxwell, Alexander Johnsone and others. Seal attached bearing on shield stork and stag's head. Inscription, "S. Mathei Iruin."

106. CHARTER by Adam of Kyrkpatrik of Pennersex, selling and granting to Symon of Carutheris of Mouswalde, his three merklands of old extent in the town of Pennersex, and in his lordship of Pennersex and sheriffdom of Drumfrece and stewartry of Annandale, which David Bell dwelling in Pennersex had formerly in lease from the late Ysabella Jonstoune, the granter's grandmother (aua mea), for a certain sum of money paid him by the said Symon. To be held to Symon, his heirs and assignees, of the granter, his heirs and assignees, in fee and heritage, for payment of a silver penny in name of blenchferm, yearly at Whit-sunday, if asked only. Contains a clause of warrandise and is dated at the Manor place of Mouswalde, 9th May 1495. Witnesses, John of Carutheris of Dormunde, Cristofer of Carutheris, Thomas Ra, Thomas Turnour, Alexander Carutheris of Glengeris, Sir Thomas Mackilweyne, chaplain, and Mr. John Makhome, rector of Castelmylk and notary public.

107. NOTARIAL INSTRUMENT certifying that in presence of a notary and witnesses compeared personally an honourable man, Adam of Kirkpatrick of Pennyresexe, and presented a letter of procuratory made by the notary at his command appointing Sirs William Scot of Balvere and John Sinklaire, knights, Simon Cuningame and Stephen Scot, to surrender in the hands of King James the Fourth, as his lord superior, his lands of Pennyresexe, in the stewartry of Annandale, and sheriffdom of Drumfres, extending yearly to a £20 land of old extent, with advowson of the parish church, which were held of the King in chief; and by the said letter of procuratory resigned the same, and this he did in the chamber of the notary, on account of a sum of money paid to him by Herbert Blak, in name and behalf of Simon of Carrutheris of Mouswald. And Adam bound himself by oath, holding forth his right hand, never to revoke or contravene the letter of procuratory and resignation. Whercupon Simon Carrutheris craved instruments. Done in the notary's chamber (John McHome) (apparently in Dumfries), 3d July 1499.

[The resignation was made by Simon Cunningham, as procurator, in presence of the King, and into his hands, who delivered the lands to

Simon Carrutheris of Mouswald, present and accepting, and to his heirs, to be held of the King and his successors. Done in the King's chamber in the Castle of Striueling, 19 March 1499 (1500). Witnesses, Alexander Lord Hume, Alexander Hume, his son and apparent heir, Sir David Arnote, provost of Bothuile, John Striueling of Cragbernard, John Montgomery of Thorntoun, Andrew Wod of Fetherkarnc, and others. The King's charge to his chancellor, George, Earl of Huntly, to cause a charter to be prepared under the Great Seal, is given under the privy seal at Striueling, 19th March, twelth year of reign. In this precept Kirkpatrick is styled Adam Kirkpatrick of Dalgarnok. The charter by Adam Kirkpatrick of Pennyrsex to Symon of Carrutheris of Mouswald is dated at Drumfres, 3 July 1499.

108. REVERSION by James Johnstoun of Wamfra to Roger Kirkpatrick of Ros, who had sold to Johnstone his 50 s. land of old extent of Cowrinche and Garwald, "quhilkis Cuthbert Johnstoun and his tennentis now occupies;" in the parish of Garwald and sheriffdom of Drumfreis, which Johnstone engages to restore to him on payment of 200 marks Scots, and giving him a letter of tack for five years at £5 Scots yearly, the money to be paid on the high altar of the parish church of Garwald, &c. Dated at Drumfreis, 4th April 1555. Witnesses, Archibald Menzies, preceptor of Trailltrow, John Kirkpatrick of Glenmaid, Adam Johnstoun in Hislebray, David Johnstoun, Roger Kirkpatrick, son and apparent heir to the said Roger Kirkpatrick of the Ros, and Schir Mark Carutheris, notary. Signed, "James Johnstoun of Wamfra w^t my hand." Seal attached, shield bearing three cushions in chief and saltire in base. Inscription : "S. IACOBI IONSTOVNE."

HEAD SEVENTH.—ANCIENT CHARTERS relating to the family of Carruthers of that Ilk and of Mouswald.

This is not the first time that the muniments of this ancient race have been brought under the notice of the Commissioners. In a Report dated 1st July 1876 an opportunity was courteously afforded me of giving the muniments of the oldest branch of the family which took the name and designation of Carruthers of Holmains or Holmends. These writs extended from the reign of King David the second in 1361 to that of Mary, Queen of Scots, in 1562. [Sixth Report of Historical MSS. Commission. Appendix, p. 709.]

Upwards of twenty years previous to that Report I had occasion to trace the history of the territories of the chief or main line of the Carruthers family in reference to their lands which were situated within the parish of Moffat. These inquiries led to the discovery of the tragic fate of the younger of the two heiresses of Simon Carruthers in the reign of King James the Sixth as set forth in the above-mentioned Report. The ward of these two heiresses Janet and Marion Carruthers was granted by that sovereign to Sir James Douglas of Drumlanrig. He provided a husband for the elder coheiress, and also for the younger. But unlike her sister the latter was dissatisfied with the choice made for her.

The first charter now reported on is one of much interest, as illustrating the method in which the affairs of the country, were carried on during King David the Second's captivity in England. It is a charter by King David as Lord of Annandale granting to William of Carrutheris the land in the tenement of Midilby, which belonged to Thomas of Lyndby. It is granted at Mouswald, 10 September, twenty-first year of the King's reign, [1349]. Witnesses named in the charter are Robert,

Steward of Scotland, John of Carrutheris, the King's chancellor of Annandale, John of Tunnergath, the king's chamberlain of Annandale, and John Stewart, warden of the west March.

The writs in this section extend from the year 1349 to the year 1512.

109. NOTARIAL INSTRUMENT made the 22d September 1452 at the instance of Roger of Carrutheris, procurator of John of Carrutheris, lord of Mousswalde, by Malcolm Ra, clerk of the diocese of Whithorn, containing a transumpt of the following charter—Charter by David, King of Scots and lord of Annandale, granting to his beloved and faithful William of Carrutheris and his heirs all that land in the tenement of Mydilby, which belonged formerly to Thomas of Lyndby, and had come into the King's hands by reason of the forfeiture of the said late Thomas, against the King's faith and peace with his enemies of England: to be held to him and his heirs, of the King and his heirs, with advocation of the kirk of Meddilby, for rendering of service due and wont. Given at Mousswalde, 10 September, xxi year of reign, [1349.] Witnesses, Robert, Steward of Scotland, the King's nephew, John of Carrutheris, the King's chancellor of Annandale, Maurice Murray, Malcolm Flemyn, John of Tunnergath, the King's chamberlain of Annandale, John Stewart, warden of the west March (custode Marchie occidentalis), William of Crichtoun, and others. The King's seal is ordered to be appended. The transumpt was made at Whithorn, at seven before noon, in presence of Patrick, abbot of Soulseat, Sir Donald McConnen, vicar of Whithorn, Gilbert Adonnyll, vicar of Kykmedan, of Whithorn diocese.

The Latin of the King's Charter engrossed in the foregoing Transumpt is as follows :—

“ Dauid Dei gracia Rex Scotorum et dominus vallis Annandie, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Willelmo de Carrutheris et heredibus suis, totam illam terram in tenemento de Mydilby, que quondam fuit Thome de Lyndby cum pertinenciis, et que nos contingit ratione forisfacture eiusdem quondam Thome contra fidem et pacem nostram cum inimicis nostris Anglicis defuncti: Tenendam et habendam totam predictam terram cum pertinenciis predicto Willelmo et heredibus suis, de nobis et heredibus nostris, libere, quiete, bene, et in pace, et honorifice, cum omnibus libertatibus, commoditatibus, asiamenti, rectis consuetudinibus et iustis pertinenciis ad dictam terram pertinentibus seu de iure qualitercumque pertinere valentibus; et eciam cum aduocacione ecclesie de Meddilby pro parte sua, cum vacauerit: Faciendo inde annuatim nobis et heredibus nostris ipse Willelmus et heredes sui seruicium debitum et consuetum. In cuius rei testimonium sigillum nostrum huic scripto precipimus apponi: Datum apud Mousswalde, decimo die mensis Septembris, anno regni nostri xxj; hiis testibus, Roberto senescallo Scocie, nepote nostro, Johanne de Carrutheris, cancellario nostro vallis Annandie, Mauricio Murraua, Malcolm Flemyn, Johanne de Tunnergath, camerario nostro eiusdem vallis Annandie, Johanne Senescalli, custode Marchie occidentalis, Willelmo de Crechone, cum multis aliis.

[The Transumpt states “sigilloque testimoniali prefati serenissimi principis ut prima facie apparebat roboratam.” Not in present Great Seal Register.]

(In the Drumlanrig Inventory of 1693 occurs the following entry :— “Item the transumpt of an old charter given to Robert Currie be

David Bruce, King of Scotts, lord of Annandaill, of the lands of Middlebie, quibilk were somtymes Thomas Aplindins, and come in the King's hands be forfaulture of the said Thomas. The charter is dated in anno 1361. The Transumpt dated 18 September 1452." Not in present Great Seal Register.)

110. Charter by Archibald, Earl of Douglas, lord of Galloway and Anandale, by which he grants to his well beloved esquire (scutifero), Simon of Carrutherys, all and whole his tenement of Mousfald, with the pertinents, within his forest of Daltoun, his lands of Appultrethwate, with the pertinents, lying in the lordship of Anandale, for service done and to be done to the grantee : which tenement of Mousfald and lands of Appultrethwate, the foresaid Simon had resigned in presence of many noblemen in the justice eyre of Anandale, held at the town of Loucmabane ; to be held to the said Simon, and his heirs whomsoever, of the grantee, his heirs and successors, lords of Anandale, in fee and heritage for ever, for payment of one penny of silver yearly in the parish church of Mousfald, at the feast of St. Mary Magdalen, in name of blench ferm, if asked only, for ward, relief, marriage, and all other demands that could be required of the same. At Loucmabane, 4th December 1411. Witnesses, James of Douglas, the grantee's brother, esquire, Sirs William, Lord of Grahame, William of Donglas of Nyddisdale, William of Douglas of Drumlangrig, William of Haye of Louchorwart, William of Borthwik of that ilk, John of Carlele, Vmfred Jardyne, Thomas of Moray and Robert Heris, the Earl's cousins (cousanguineis), knights. The Earl's seal is appended in good preservation. Circumscription, " Sigillum Archibaldi, comitis de Douglas domini Galluidie."

At the same place and on the same date as the foregoing charter, the earl grants other four charters, all to the same person :—

- (1.) A Charter of the lands of Hatelandhill, in the forest of Daltoun and lordship of Anandale, which the said Simon had resigned in the justice eyre, to be held by Simon and his heirs for payment of one penny of silver as above. Witnesses, the first four witnesses in the charters of Mousfald.
- (2.) A charter of the tenement of Logane, in parish of Moffet and lordship of Anandale, resigned and to be held by Simon and his heirs whomsoever as above. Witnesses as in (No. 1.)
- (3.) A charter for service and homage to Simon of Carrutheris of Mousfald of the grantee's lands of Middilby and Dronnok, in the lordship of Annandale, resigned as above, to be held to Simon and his heirs, with the pertinents, which the said Simon had in the same before his resignation, of the grantee and his heirs and successors, lords of Anandale, for rendering service due and wont. Witnesses as in the Charter of Mousfald, except Robert Heris.
- (4.) A charter for service and homage of the lands of Dornok, in the lordship of Anandale, resigned as above with the pertinents, &c., with donation and advocation of the parish Church of Dornok, to be held to Simon and his heirs for service due and wont. Witnesses, as in Charter of Mousfald except Robert Heris.

To these four charters the seals are now wanting. The originals are in the charter chest, and the three following charters are in the Inventory of the Drumlanrig Charter Chest, but the originals have not been found :—

" Charter by the said Erle to the said Simon of the lands of Hoddam, Tunirgirth, Westwood and Rockcliffe, of the date of the former." [4th December 1411.]

"Gift be Archibald Erle of Douglas and Longavell, to Sir Thomas Kilpatrick of Closeburn, of the right of patronage of the Kirk of Pennersex. Dated 5 May 1428."

"Charter made be Archibald, Duke of Turraine, Erle of Douglas, &c., to John Carruthers of Mouswall, of the five merk land of Cumlongenood, quhilk were before resigned be Norman Johnstoun in the said Duke his hands. Dated 10th September 1438."

111. LICENCE by King James the Second to Elizabeth of Dunwedy to infest her eldest son in Houthwate and other lands. 20 January 1446-7.

"James be the grace of God King of Scottis, til al and sindry oure liegis and subditis to quhais knawlege thir oure letteris sal to cum, greeting. Wit yhe vs to haue geuyn and grauntit and be thir oure letteris geuys and grauntis to oure loued Elizabeth of Dunwedy, the spouse of vmquhile Andrew of Carutheris, oure ful licence, faculte and fredome, to put hir eldast sone and ayr, Johne of Carutheris in state and saysing of the fe of hir landis of Houthwate, Stanrase, and Wamfra with the pertinence, liand in oure lordschip of Anandirdale, in the schirrefdome of Drumfrese; to be haldyn of vs and oure successouris, lordis of Anandirdale, als frely and in sic like manere as the said Elizabeth and hir predecessouris held thaim of before; the quhilk landis geuyn be state and saysing of se to the said Johne of Carutheris heretabill as said is, we ratify, approuys and confermis for euer for vs and oure successouris be thir own presentez letteris. In witnes of the quhilk thingis to thir our letteris we haue gert set our priue sele, at Glasgw, the tuenty day of the moneth of Januare, the yhere of grace, a thousand four hundredth fourti and sex, and of our regne the tend yhere." (Seal attached, nearly perfect. On shield, a lion rampant. Legend—"Sigillum secretum Jacobi . . . gis Scotorum.")

[In consequence of this licence, Elizabeth of Dunwedy, sometime spouse and relict of Andrew of Caruderis, lady of Houthuat, Stanres and Wamfra, mentioning the licence, gives a charter to her son and heir, of the lands, to be held by him and his heirs of the King and his successors, lords of Annandale, for services due and wont, reserving her frank tenement; at her lands of Houthuat, 7 March 1446-7, in presence of John Murray, laird of Catmad and others. Seal wanting. John of Carutheris of Mouswald has a precept from the King to infest him in the lands on the resignation of his mother, made in the King's hands at Strueline. Dated there 6 April 1449, and sasine is given on the 30th of the same month.]

112. CHARTER by William, Lord Creichton, chancellor of Scotland, granting to his well beloved cousin John Carutheris of Mouswald, for his faithful service done and to be done to the grantor, the lands of Kyrtihous and lands of Dundoby, in the lordship of Ananderdale in Lord Creichton's tenuement of Carutheris; to be held by him and his heirs of Lord Creichton and his heirs, in fee and heritage, for rendering one penny of silver, Scots money, at the head messuage of Driuisdale, at Whitsunday, in name of blench farm, if askcd only. Contains a clause of warrandise. At Edinburgh, 10th June 1452. Witnesses, his most dear son, James Creichton, lord Frendrache, Mr. George Schoriswode, rector of Cultre, John Setoun and others. Subcribed,

"Cancellar"

Scocie et cc."

"JAMYS OF CRYCHTON."

113. CHARTER by King James the Second, granting to John Carutheris of Mousfald the lands of Mousfald, Loganetenement, Medilby, Dronnok, Ellirbek, Hatilland Hill, Cummertries, Hoddome, Tunnergath, Hallathis, Cumlungand, Hultvhate, Stanrase and Wamfray, in the stewartry of Anandirdale and sheriffdom of Dumfres, which belonged to the said John heritably and were resigned by him in the King's hands at Edinburgh: all which the King unites into one free barony to be called the barony of Carutheris: to be held by Carutheris and his heirs of the King and his successors, in fee and heritage, paying for Mousfald, Loganetenement, Hatillandhill and Cumlungand, 4 d. Scots, at Mousfald, at Whitsunday, in name of blench ferm, if asked only, and for Drounok and the other lands the services due and wont. Sealed at Edinburgh, 20 August 1452; witnesses, James, bishop of St. Andrews, William, bishop of Glasgow, the King's beloved cousins, William, Lord Someruile, John, Lord Lyndesay of Byris, Andrew, Lord le Gray, Master of Household, Master John Arous, archdeacon of Glasgow, and George of Schoriswood, rector of Cultre, the King's clerk. Seal wanting. [Not in Register of the Great Seal.]

[Archibald of Caruderis of Mouswald receives sasine of all the lands of the barony of Mouswald, on brief from chancery and precept from Robert Lord Maxwell, as steward of the stewartry of Annandale. Done in the principal messuage of the lands of Mouswald, 18 November 1454. George of Kirkpatrick of Pennersex has sasine of the lands of Vithscal is in the tenement of Corre, on charter from George of Corre of that ilk, 5 March, 1454-5. Witnesses, Thorbrand Thomson, John Padeaneson of Nevtone and others. These lands, called Vest Scal is are resigned in a procuratory by Adam of Kirkpatrick of Pennersax into the hands of George Corry of that ilk, lord of the whole tenement of Corry, to dispose of at his pleasure. At Drumfres, 20 June 1498. Witnesses, Alexander Carutheris, James Amuligane, Mr. John Makhome, rector of Castelmilk and notary of Castlemilk, &c. Seal remaining.]

114. PRECEPT of SASINE by Cuthbert Murray of Cokpull and lord of certain lands of Colnlungane Wode, directed to John Carutheris of Holmendis, and Simon Murray, his bailies in that part, stating that he had granted heritably to an honourable man, Archibald Carrutheris of Mouswalde, his lands of Colnlungane Wode, divided from the marches of the lands of ly Pyhill, and the granters other lands, which are situated from a certain ditch, or certain meiths, stakes and marchstones (quibusdam metis, palis et mensuris) fixed and set up in Colnlungane Wode between the granter and the foresaid Archibald, for all the latter's lands of Colnlungane, which belonged to the late Norman Johnsoun, in the territory of Reuell, within the lordship of Annandale and sheriffdom of Drumfrice: commanding his bailies to give state and possession of the said lands to Archibald Carrutheris. Seal appended at Cokpull, 1 March 1477. [Seal attached, bearing shield with three stars two and one, within a double tressure; at either side of shield apparently a thistle; a helmet for crest. Circumscription almost illegible, but appears to have been "S. Cuthberti Murray dñi de Cokpoull."]

115. INSTRUMENT of SASINE, narrating that Gilbert Carutheris, sheriff of Drumfrece, specially appointed in that part by the King, proceeded on a precept from the King to Michael Ramsay of Raymorscalis and him, directing them to give sasine to his well beloved esquire (armigero nostro), Archibald Carutheris of Mousfaulde, of the land of Raffulgill, containing 20 s. worth of land of old extent, in the lordship of Annandale and sheriffdom of Drumfrece; which belonged heritably to Herbert

Grymme, and were resigned by him into the King's hands at Edinburgh by his procurators. The precept is given under the quarter seal, at Edinburgh, 3 June, twenty-fourth year of the King's reign. The sheriff accordingly delivered sasine of the said lands of Raffulgill to the said Archibald Carutheris of Mousfaulde, at the capital messuage of Raffulgill, at 2 past noon, 9 June 1484, in presence of Robert Ramsay and other witnesses.

116. NOTARIAL INSTRUMENT, in which John McHome, notary, narrates that in presence of himself and witnesses compeared Symon Carutheris of Mouswalde, and held forth to him in words as follows:—Lo! Sir Notary, it is well known to you that you formerly drew up a writing between me and John Carlell, and William Carlell, his grandson (nepotem), subscribed with our hand wrists, touching matrimony to be fulfilled between me the said Symon, and Eufamea Carelle, sister german of the said William Carlell; in which compromit it was contained that John Lord of Carlell with my consent should get from the Apostolie See as soon as possible a dispensation to contraet the said marriage, and now for three months or thereby a most reverend father in Christ, James “Episcopus Imolen,” legate *a latere*, has been and now is in this kingdom, and gives such dispensations; but Lord Carlell wholly postpones to get such dispensation though very often burdened by me to that effect, and I am always ready to complete the said matrimony, &c., and protests that though for the present he could not get to the presence of Lord Carlell, yet this should not fall to his prejudice, &c., as he was always willing to fulfil his part of the contract. Done at Barresbrig of Tynualde, 29 June 1485. Witnesses, Robert Charteris of Amisfelde, John Carutheris of Holmendis, and others.

117. PRECEPT by Walter Scott of Bukclewcht, on the narrative that he had sold the lands to Symon Carutheris of Mouswald, to give sasine to him of four merklands of Roberthill, and one merkland of Tukkisholm of old extent, in the lordship of Driffisdaill and stewartry of Annandale. Seal appended at the manor place of Mouswald, 12 September 1501. Witnesses, John Carutheris, Schir Symon Bayart, chaplain, Schir Roger Magilhauche, preeceptor of St. James of Trailtrow, Master John Makhome, rector of Castlemilk, and others. [Seal wanting.]

118. INSTRUMENT of SASINE given by David Carutheris, bailie in that part of Robert Charteris of Amysfeyl, on preeept by the latter, of the six merks of land of old extent of the lands of Trailflat, lying in the barony of Amisfelde, in the sheriffdom of Drumfres, to Symon Carutheris of Mouswald. Done on the ground of the lands, 15 January 1502-3.

119. PRECEPTE of Clare Constat by Adam Earl of Boithuile, Lord Halis, and lord superior of the lands, narrating that it was well known that the late Symon Carrutheris of Moswald, knight, father of Symon Carrutheris, bearer hercof, died last vest in fee, &c. of the lands of Dundonby, Kirtilhous and Carrutheris, in the stewartry of Annandale and sheriffdom of Drumfres, that he was nearest heir to his father, that the lands were held of the granter by service of blanchferm in chief; charging his bailies in that part to give sasine of the lands. Signed and sealed at Edinburgh, 16 March 1511-12. Signed, “Adam Erle Bothwelle.” [Seal remaining but considerably broken.]

120. CHARTER by King James the Fourth, by which for the good and thankful service done and to be done to him by his well beloved familiar servitor, Symon Carutheris, son and heir of the late Symon Carutheris of Mouswald, knight, he grants to him the twenty mark land

of old extent of the dominical lands of Mouswald, with mill, ten mark lands of Holtwait and Haithlandhill, £10 lands of Drunok, twenty-four mark lands of Pennersex, £5 lands of Myddilbie, ten mark lands in Logane tenement, and five mark land of West Scaldis, with outsets, pendieles, and pertinents, with advocation and donation of the churches and chaplainries of the foresaid lands, lying in the stewartry of Annandale and sheriffdom of Drumfres; which all belonged to the late Symon heritably, and in default of movable goods were apprized by the steward of Anandale and his deputes for the sum of 750 marks of fines (amerciamentorum) in which the said late Symon was adjudged in the King's Justice eyres of Drumfreis, and after the apprizing were assigned to the King to remain with him for payment of the said sum, of which the King now discharges Symon as heir of his late father, and gives him all the fermes and profits of the terms they were apprized, with which the late Symon or his son had intromitted in so far as they had not been received by the King, his treasurer or factors: To be held by Symon, and his heirs, of the King and his successors, in fee and heritage, for rendering the services due and wont. At Edinburgh, 8 August 1512. Witnesses, Alexander, archbishop of St. Andrews, chancellor, William, bishop of Aberdeen, keeper of the privy seal, Andrew, bishop of Caithness, treasurer, Archibald, Earl of Argyle, Lord Campbell and Lorne, master of household, Matthew, Earl of Levenax, lord Dernelie, Alexander, Lord Hume, great chamberlain, Andrew, Lord Gray, justiciar, Masters Gavin Dunbar, archdeacon of St. Andrews, clerk of rolls, register and council, Patrick Panitere, rector of Tannades, secretary, and Robert Colvile of Vchiltre, director of Chancery. Great Seal attached, but partly broken. [This charter is not in the Register of the Great Seal.]

On the same date a precept of sasine was issued under the testimony of the Great Seal, directed to the steward and his bailies of Anandale and Robert Edzare. Sasine is given by Robert Edzare, as depute of John, Lord Maxwell, steward of Annandale, of Mouswald with pendicles and pertinents, viz. Howthtwat and Haitlandhill and 20 s. of Raffullgill. Done at the town (villam) of Mouswald, near the parish church, 12 October 1512; of Dronok, and of a toft or tenement at the end of the town of Anande, which had also belonged to Symon Carutheris, knight, of lands, tofts, and crofts, in the territory of the town of Cummyrtreis, and fishings belonging to the same, which had also belonged to Carutheris, elder, on 13 October 1512; of Myddilbie, and of Hoddam, done at Myddilbie at lee Toftgaitis and at the south end of the lands of Hoddam, in presence of John Carutheris of Holmendis, John Carutheris, his son, and apparent heir, John Charteris of Amisfeild, John Charteris of Lochtoun, Alexander Charteris, Archibald Stewart, son and apparent heir of Alexander Stewart of Castelmylk, Adam Carlile, Robert Grayme of Gillisbye, Matthew Erwyng, and Sir Andrew Grayme, chaplain, John Makhome, notary, 13 October 1512; of Logane tenement and Polcornare with corn mill and waulk mill, done at the moat (monticulum) lying near the house of Michael Rainsay, on the ground of the said lands, 12 October 1512, witnesses, Symon Johnstoun in Poldyne and others; of Penersax, and West Scaldis, done at the house of Matthew Erwing in Penersax, and at the town of West Scaldis at the moat (monticulum) situated in the town (villa), 13 October 1512, same witnesses as in sasine of Myddilbie and Hoddam; and of Westwod, which belonged heritably to the late Symon, knight 13 October 1512, witnesses nearly as in sasine of Myddilbie and Hoddam.]

121. INSTRUMENT OF RESIGNATION by which Catherine Carlile, spouse of Simon Carutheris of Mouswald, personally, compearing before the said Simon as her lord superior of twenty-five merklands viz.:— seven merkland of Dronok, one merkland of Cummertreis, three merklands of Howthwat, four merklands of Panthuat, five merklands of Haitland hill, and five merklands of Cokat of old extent, in the stewartry of Anandale and sheriffdom of Drumfres, in which she had been invested before by the said Simon in her pure virginity, and resigned the said lands in the hands of the said Simon, as lord superior thereof, and quitclaimed them for ever. Done in the town of Drumfres, in the chamber of the warden of the Friars Minors (in camera gardiani fratrum minorum), 1 July 1516. Witnesses, William, lord Carlile, John Carutheris of Holmendis, John Kirkpatrick of Rokelhede, Master James Heriot, vicar of Drumfres, and Schir David Makgee, chaplain and notary.

122. NOTARIAL INSTRUMENT, narrating that in presence of a notary and witnesses compeared an honourable man, Symon Carutheris of Mouswald, before a noble and mighty lord, William Lord Carlile, and produced an indenture made between them upon a contract of marriage entered into and consummated between Symon and Catherine Carlile, his spouse, and daughter of the said Lord. Meanwhile Symon asserted that he for his part had fulfilled all and sundry contained in the said indenture, in every point ; and the said Lord answered him that the premises were supported by truth, and therewith he was highly content ; and thereafter, without delay, Symon produced before the said Lord an acquittance of four hundred merks Scots under the seal of the said Lord, as Carrutheris asserted, and asked at the said Lord, if he confessed to such a seal or not, who replied that he did not come to the town of Drumfres for such a business. Done at Drumfres, in the chamber of the warden of the Friars Minors of Drumfres, 9 August 1516. Witnesses, John Carutheris of Holmendis, John Kirkpatrick of Rokelheid and others.

[A later Instrument relates the giving of sasine by Symon Carutheris of Mouswald, of his ten merks of Myddilbe, of old extent, and ten merks of Haitlandhill, to Mariota Johnstone, his spouse, and sister of John Johnstone of that ilk, in conjoint fec for her life, 12 January 1544. Witnesses, John Johnstone of that ilk, Andrew Johnstone and others. Another later writ is the Extract Retour of Jonet Carutheris, as eldest granddaughter and one of two heiresses of Symon Carutheris of Mouswald, in the lands of Collongaynwod, Dundoubye, Kirtihous and Carrutheris. Collongaynwod was held of Charles Murray of Cokpule for a red rose yearly, Dundoube and Kirtihous of James Earl of Bothuile for a penny yearly, and Carruthers of the same Earl for ward and relief. The lands had been in the superior's hands since the decease of Symon Carutheris in April 1531, &c. The retour is made 19 January 1557-8.]

123. LETTERS of Reversion by Gawane Johnnestoun in the Kirkton of Kilpatrik Juxta, stating that Symon Carruderis of Mouswald had sold to him the 20 s. worth of his lands called Loganewodheid, otherwise called Ker and Thasseholme, of old extent, occupied by George Carruderis and Thomas Ramsay, at the date hereof, together with the office of "fostirschipe" (forestership) of his wood, called Löganevodheid, "ascendand fra the How bek vp," in the lordship of Loganevodheid, in the stewartry of Anannirdaill and sheriffdom of Drumfres, nevertheless the said Gawane binds himself to renounce the said lands &c. whenever the said Symon on one day between the sun rising "and ganging to of that ilk," in Sanct

Gelis Kirk of Edinburgh, on St. James's altar should pay him £20 Scots, and give a letter of tack for nine years following of the said lands at a yearly maill of 20 s.; and entirely quitclaim his right to the same. The warning to be forty days, and in case of not appearing to receive the money, it should be consigned to the keeping of the treasurer of the burgh of Edinburgh. Dated at Edinburgh, 22 September 1528. Witnesses, James Johnnestoun, burgess of Edinburgh, Sir William Broune, chaplain and others.

124. PRECEPT by Mary Queen of Scots, with consent of James Earl of Arran, Lord Hamilton, protector and governor of the kingdom, to give infestment to Symon Carrutheris, of Mouswald, and his heirs of entail of the £20 lands of Mouswald, Howquhat, and Haitlandhill, with tower, fortalice, and gift of the Kirk of Mouswald, £20 of Logane tenement, £10 land of Dronok, with fishing, 40 s. land of Cummertreis, 1 mark in Stanereis, £20 land of Pennarsax, with advocation of the church, 10 mark land of Myddilbie with advocation of the church, 5 mark land of West Skalis, 2 mark land in Howdoun, 1 mark in the Howmis of Annand, called Blewberry lands, and half a mark in Westwod, all of old extent, in the stewartry of Annandale, which all belonged to and were resigned by Symon by his procurators at Edinburgh; and all which further the Queen had united into a whole and free barony to be called the barony of Mouswald, the tower of Mouswald to be the chief messuage &c. Given under the testimony of the Great Seal, 27 December 1544. [Part of Seal remaining.]

Sasine was given to Symon Carrutheris by John Carrutheris of Holmendis, bailie named in the precept, at the manorplace of Mouswald, 11 January 1544-5. Witnesses, William Johnstone, brother german of John Johnstone of that ilk, Schir William Connelsone, chaplain, John Carrutheris of Drummore and others.

125. EXTRACT Retour of Inquest made before John Maxwell of Terreglis, knight, steward of Annandale, by commission of the Queen, by Michael, Lord Carlell, John Jarding of Apilgirth, John Carrutheris of Holmendis and others, finding that Marion (Mariota) Carrutheris was the second daughter, and one of two heiresses of the late Symon Carrutheris of Mouswald, who died last vest in the lands of Mouswald, Houthuat, Haitlandhill, Raffilgill, 2 marks of Hoddun, Cummertreis, Stanreis, in the parish of Trailtrow; and that the said Marion was his heir in half of these lands, was of lawful age, being of 21 years complete at the feast of St. Andrews last; that the lands were held of the Queen by service of ward and relief, and had been in her hands as superior since the death of Symon, her father, who died in July 1548 &c. Done in the Tolbooth of Lochmaben, 13 March, 1562-3.

In a similar extract retour Marion Carrutheris is retoured to half the lands of Loganetenement and Polcornar, Pennarsaxis, West Skalis, Dronok, Myddilby, held of the Queen by service of ward and relief &c. Tolbooth of Lochmaben, 24 April 1563. Jonet Carrutheris, the eldest daughter, has sasine of her half of Mouswald and the rest of her father's lands on 14th and 15th July 1562.

126. LETTERS of Procuratory by Jonet Carrutheris, Lady Bardnoch, and heir of [Si]mon Carrutheris of Mouswall, her (left blank), whereby for certain sums of money paid to her by Sir James Douglas of Drumlangrig, she sells to him, his heirs and assignees, the lands of Cumlongand Wod, in the parish of Ruvell, and stewartry of Annanderdail; and because she was not yet infest in the lands, she appoints

(blank) her procurators, to raise commission by deliverance of the lords of council and brieves of chancery to certain judges in that part or to the steward of Annanderdaill to serve her as nearest heir to the said late Symon Carrutheris of Mouswall, in the said lands of Cumlonganewod, held immediately of the lairds of Cokpull free blench, for payment yearly of a red rose at the feast of St. John the Baptist, in name of blench ferm, &c., and to cause her retour be past the chancery, and in her name receive infestment of the lands, to resign the lands in the laird of Cokpull's hands as superior. And she hereby renounces and resigns the said lands in favour of Sir James Douglas of Drumlanrig, knight, his heirs and assigues, for infestment to be given to him. Dated at Drumlanrig, 22 January 1607. Witnesses, Mr. John Douglas of Arkland, William Irving of Bonschaw, and others. Jonet Carrutheris signs with her hand at the pen.

127. In the Drumlanrig charter chest there is a MS. Protocol Book of Mark Carrutheris, presbyter of St. Andrew's diocese, and notary public (Dumfries). The entries in this book begin on the 17th October 1531 with the induction of Thomas Erskyne to the rectory of Lochmaban. They end with a sasine of Kentigern (Mungo) Maxwell, brother of Edward Maxwell of Mylhil, in six acres of land of Mylhil, in the parish of Traqueir and sheriffdom of Kirkeudbrycht, dated 18 February 1561-2. During the long period of thirty years in which Mark Carruthers exercised his profession of a notary public, he appears to have been well employed by the inhabitants of Dumfries, and also by owners of adjacent properties, in recording the acquisitions and transmissions of heritable property in that burgh and also in Lochmaben and neighbourhood.

HEAD EIGHTH.—Ancient Miscellaneous Charters by the Earls of Crawford and Lord Lindsay and other owners of landed property, relating to lands in the counties of Dumfries and Lanark.

This section includes a list of the Weaponshaw of Annandale, held on Birrenswark hill in the year 1541. Among other ecclesiastical writs it contains two; the first is one by Robert Stewart, natural son of King James the Fifth, commendator of the monastery of Holyrood, near Edinburgh, being a precept of sasine for a tenement in Edinburgh. The second is a dispensation by John Hamilton, archbishop of St. Andrews, for a marriage of James Twedy and Jonet Douglas, whose marriage was hindered by the somewhat unusual impediment of spiritual cognition (*impedimento cognitionis spiritualis*). This cognition arose out of the fact that Jonet's father had lifted James her proposed husband from the sacred font. A fourth degree of consanguinity was also involved. The archbishop, as legate, dispensed with the impediment and allowed the marriage to proceed.

The writs under this head date from the year 1449 to 1569.

128. CHARTER by Alexander Earl of Craufurd and Lord of Lindesay, granting to his dearest cousin, John of Hammiltoun, brother german of James, Lord le Hammiltoun, for his most grateful help, counsel and service, often done to the Earl's progenitor, and to be done, the lands of Quhite Camp and Kirkop, in the lordship of Craufurd Lindesay and sheriffdom of Lanark, and in exchange for the lands of Westir Brichti, in his barony of Ferne, and sheriffdom of Forfare; to be held by him and his heirs whonsoever, in name of excambion, for the lands of Westir Brichti, of the Earl, his heirs and successors, in fee and heritage; and notwithstanding any previous entail &c. for services due and wont.

Contains a clause of warrandice and is dated at Striueline, 18 June 1449.. Witnesses, Master James Lindesay, provost of Lincluden, William Lesly of Bauchquhane, knight, Walter Lindesay, Andrew Glaisteris of Glak, Thomas Bailze, esquires (armigeris), and Robert of Balmanoch, the Earl's secretary. [Seal attached, nearly perfect, on shield 1st and 4th a fess chequè for Lindesay, 2d and 3d a lion rampant with ribbon debruised for Abernethy. Crest, an ostrich's head and neck. Supporters seem lions sejant, and two ornamental feathers or leaves at side of supporters. Legend, "S. Alexandri Lyndesay Comitis deCrau . . ."]

A sasine of the lands of Kirkop and Qwhitcamp was given, on a precept by David Earl of Craufurd and Lord Lindesay, directed to John Lindesay of Colbantoun, and John Lindesay, his son and apparent heir, his bailies of the barony of Craufurd Lindesay, to James of Hammiltoun, as heir of the late John of Hamiltoun, his uncle, on 9 November 1474. A confirmation of the charter of 1449 was given by King James the Third under the Great Seal, reserving the wards, reliefs, marriages, &c. due to the Crown before the confirmation, 18 February 1487-8, which is also in the Great Seal Register at date.

129. NOTARIAL INSTRUMENT, attesting that in presence of the notary and witnesses appeared Thomas Bell of Crwholme, and asserted that it had come to his ears, that a certain John Pottar, officer of Anandale, had delivered corporal sasine or rather intrusion of all the lands of Howelset, in the lordship of Anandale, to a noble man Charles of Murray (de Murrauia) lord of Cokpule; which belonged heritably to Richard Bell, sometime laird of the same, and which the said Thomas had and has heritably from the said Richard Bell, by pure and simple sale and resignation in the King's hands, as contained in the King's charter. Wherefore the said Thomas Bell on the manor of the said lands of Howelset, broke the sasine of the said lands, so given illegally and against order of law, by interjection of earth and stone (per interiectionem terre et lapidis) and made interruption to the said sasine, 17 April 1450. Witnesses Patrick Bell, chaplain, and others.

130. INSTRUMENT OF SASINE, narrating that a circumspect man, Mr. Thomas Tynding, deacon of Annandale, and commissary and bailie of Andrew, bishop of Glasgow, in that part, at precept of the foresaid Lord Bishop, passed to the lands of the late Duncan Martin, lying in le Coluhathrig, and there gave sasine to Sir Martin, priest, son and heir of the foresaid Duncan, after which the foresaid Sir Thomas resigned the lands in the hands of the said Mr. Thomas, bailie, in favour of William of Carlisle, Lord of Torthorwald, and thereafter gave sasine of the same to the said William of Carlisle; he and his heirs and assignees paying yearly to the said lord bishop of Glasgow for the time 10 s. of money of Scotland. Done at the messuage of the said lands at 1 past noon or thereby, 7 October 1471. Witnesses, John Grame, Richard Steyl of Achinschork and others. William Clapen, clerk of Glasgow diocese, notary.

131. CHARTER by David Earl of Craufurd, Lord le Lindesay, granting to his beloved cousin, James of Hammyltoun of Schawfeilde and Elizabeth Lindesay, his spouse, and the survivor of them, the lands of Qubitecamp and Kirkhop in his lordship of Craufurde Lindesay, in the sheriffdom of Lanark, which belonged to the grantee heritably and were resigned by him; to be held by him and Elizabeth, his spouse, and the longer liver, and the heirs male or female of their bodies, whom failing the heirs male or female of the body of the said Jaines, whom

failing to return to the granter and his heirs, of the Earl and his heirs and successors, in see and heritage for ever, freely, &c., and notwithstanding any entail or agreement about them made before, for rendering services due and wont; reserving to the Earl and his heirs wards and reliefs and other services due and wont. Contains a clause of warrandice under hypothec and bond of all his goods and possessions. Sealed at Edinburgh, 16 November 1474. Witnesses, the Earl's beloved cousins, Masters James Lindesay, dean of Glasgow, George Carmichel, treasurer of Glasgow, John Lyone of Curtastoune, Alexander Lindesay of Dunrode, Thomas Fotheringham of Povry, and Mr. Gilbert Tirry, rector of Lyne. [Seal remaining, broken. On shield, 1st and 4th a fess chequè for Lindesay : 2d and 3d a lion rampant debruised with a ribbon : Crest, head and neck of an ostrich. Supporters, two lions sejant. Inscription, so far as remaining " COMITIS DE CRAUFUIRD."]

A precept of Sasine followed, directed to John Lindesay of Colbanetoune and John Lindesay, his son, bailies of the Earl's lordship of Craufurd Lindesay, same date, which was completed by Sasine given on the 24th of November the same year.

132. CERTIFICATION OF SASINE by "Ihone Halidai of Hoddome" given to "Ihone of Iohnstoune of that ilk," in the 10 s. "wortht of land" in the Manys of Hoddome, which the said John Johnstone had before by charter and sasine, and other 10 s. worth of land in the tenement of Hoddom, to wit, the Closcroft, an acre in the Ryddinis, the Kil acre, three roods lying between the Gildns ford and the Kil acre, five roods marching with the Tynclar lands, two oxbgang called the Tynclar lands, an acre of the Cotcroft, half an acre of the Dwn croft, a rood in the Smytht croft, of which Halidai gave sasine to Johnstone "at the sulzeis" (soil) of the lands, 23 October 1480 before witnesses. [Seal attached but now wanting.]

133. PROCURATORY OF RESIGNATION of Herbert Gryme of Raffulgill, appointing William Lord Borthwik, John Duundas of that ilk and others to resign his lands of Raffulgill, containing a 20 s. land of old extent, in the parish of Mouswalde, lordship of Annandale, and sheriffdom of Drumfrece, held of the King's Highness in chief, in the hands of King James the Third. Seal attached at the Manor of Mouswalde, 4 May 1484. Witnesses, Thomas Bell of Kirkconnell and others. Seal remaining, slightly broken. Circumscription, "S. Herberti Gryme."

134. LETTERS OF LICENCE by King James the Fourth to Peter Dennom of Creakane, to sell his 50 s. worth of land of old extent of Glencors and Dalquhargzeane, in the sheriffdom of Drumfries, to be held of himself or his heirs, or of the King and his successors; and wills and grants that the said alienation "salbe na caus of recognisone nor forfettour of the saidis landis," nor prejudice to Peter or his heirs; and ratifies such alienation. The present writ to be of the same force as if given under the great seal, and the King renounces all right he might have to the lands by reason of escheat or forfeiture through such alienation. Given under the privy seal at Edinburgh, 24 November 1511. Subscribed "James R." Part of Seal remaining, but broken and defaced.

[This writ appears to have been issued in consequence of an indenture of sale by which Peter Dennwm of Crechawchquhen sells to William Dowglas of Drumlanguig, knight, his lands of Glencors and Darquharren, extending to five nobles' worth of land of old extent, in the parish of Kilosbern, to be held of the King; all for 85 merks: with warrandice against all tacks except one to Robert Maxvel by the said Peter's father

for seven years at five nobles a year, &c. Drumlanrig, 1 November 1511. Signed, "Pet^t of Dēnwm̄ of Cre^taw^tquhē."]

135. WEAPONSHAW of Annandale, 15 August 1541.

Anno xli yeris.

xv^o. Augusti. The Wapinschawing off Annerdale tane be my Lord Maxwell wpon Burniswerkhill.

The lard of Holmendis	ane hundretht men.
The lard of Wormonby	xvi men.
The lard of Wamfra	iij ^{xx} men.
The lard of Mowswald	iij ^{xx} men.
The lard off Jhonstoune	ane hundretht men.
Drysdale	iij ^{xx} men.
Gyllesby and Meskeswa	xl men.
The lard of Dunwede	xl men.
The lard Carlell	ij ^e men.
The lard Corhead, lard Dum- creiff, Sym Jhonstoun,	
James Jhonstoun	iij ^{xx} men.
The town off Lochtmaben	xl men.
The lard Appilgartht	ij ^e men.
The lard Thornuke	xl men.
The lard off Gretnocht	je men.
The lard of Boneschaw	iij ^{xx} men.
Alexander Carlell	xx men.
The lard of Robgyll	xx men.
The lard Hawlathis	xij men.
Summa	xij ^e and xij men.

[From a volume of Transcript Book of Sasines, given and received by Sir James Douglas of Drumlanrig, 1544 and 1545.]

136. PRECEPT of Clare Constat by Robert, perpetual commendator of the monastery of Holy Rood near Edinburgh, directed to John Lumisdene of Blanerne, and others, bailiffs of his burgh of the Canongate, by which on the narrative that by authentic documents it was well known to him that the late Thomas Scot, burgess of the foresaid burgh, uncle (patruus) of Thomas Scot, son and heir of the late Janet Scot, daughter of the said late Thomas, bearer hereof, died last vest and seized at the faith and peace of our late sovereign lord, King James the Fifth, the granter's father, (nostri patris), in an annual rent of 26 s. and 8 d. Scots from a tenement in the said burgh, that the said Thomas was one of two heirs of the said late Thomas Scot, his uncle, in half the foresaid annual rent, &c. Sealed at Edinburgh, 20 March. Signed,

"Robertus Comēdatarius
Sancte Crucis."

Seal attatched. Circuinserption "S. ROBERTI COMENDATARI^{II} SANCTE CRVCIS P"

137. LETTERS of DISPENSATION by John, Archbishop of St. Andrews, primate of the whole kingdom of Scotland, and legate of the Pope and the Holy See, with power of a legate *a latere*, directed to James Twedy, layman, and Jonet Douglas, woman of the diocese of Glasgow; stating that he had lately received a petition from parties desiring to be joined in wedlock, but because by impediment of spiritual knowledge they were

joined together, for the reason that the father of the said Jonet lifted the said James from the sacred font (sed quia impedimento cognitionis spiritualis simul estis coniuncti, ex eo quod pater dicte Jonete leuauit dictum Jacobum de sacro fonte) they could not fulfil their desire, unless an apostolie dispensation were obtained : the archbishop, therefore, by apostolie authority whieh he enjoyed in that part, notwithstanding the spiritual cognition, freely allows them to contract marriage, and decerns their offspring to be lawful. Given at Edinburgh, in St. Andrews dioeese, 9 February 1559 [1560]. Subscribed " Joannes Sanctiandree Legatus." Seal wanting. An indorsation bears that on the 25th January 1559 [1560] the dispensation was produced at the time of the marriage of the within written persons, and they were dispensed for the double fourth degree of consanguinity and the impediment of spiritual cognition foresaid. On all which James Douglas of Drumlangrik, knight, asked instruments. Done at Drumlangrik, 5 past noon, in presence of John Jardane of Appilgirth, . . . lord of Somerwel, James McMath of Dalpedder, John Gordoun of Lochinwer, certified by Schir John Tailziour, notary public.

138. LETTERS of Slains by which William Dowglas of Dalvene, son and heir of the late Hew Dowglas of Dalvene, with consent and assent of David Dowglas of Hilhous, James Hunter in Drumschenacht and John Tailliefeir of Normondgill, his curators, for their interest, and Robert Dowglas of Cosehogill, "not calie for myself for fulfilling of that part of the contract maid thairupone, safer as I am halden to mak this present lettre of Slanis, bot als as principale cheif of that hous quhairof the said vñquhile Hew discendit" on the father's side, and Archibald Naper of Edinbellie, knight, oy [grandson] to the late Alexander Naper of Merchanstoune, who was brother to the late Jonet Naper, mother to the said late Hew and Mongo Johnestoune of Lokarbie, "oy to vñquhile

Johnestoune of Marioribankis," who was brother to the late Christian Johnestoune " guddame on the fader syde to the said vñquhile Hew," and William Dowglas of Quhittingham, grandson of the late William Dowglas of Quittingham, who was brother to the late Margaret Dowglas " guddame on the moder syde to the said vñquhile Hew;" for themselves and whole kin, friends, and part-takers, they remit and forgive to James Dowglas " oy" to Schir James Dowglas of Dumlangrik, knight, and son and heir of the late William Dowglas, his eldest son and apparent heir in his time, and to the said late William's whole complices, their kin, &c., all rancour, hatred and feud for the slaughter of the said late Hew, " fader to nie the said Williame and fader bruder to me the said Robert, and discendit of oure forbearis the saidis soure branchis comptit, as said is," and renounce all action to the said James, son and heir of the said late William, and his late father's colleagues and accomplices in the slaughter. Subscribed and sealed at Durrisdeir, 9 June "the yeir of God Jm V^e threscoir yeiris" [uncertain but probably 1569], witnesses, Alexander Stewart of Garoleis, younger, Roger Greirsoun of Lag, and Mr. Petir Watsoune, commissary of Nithisdaill. Subscribed by parties, Robert Douglas of Cossehogle, William Douglas off Dalwene, Archibald Douglas, persoun of Mouswald, W. Douglas of Quhittingham, &c., all subscribe with their own hand, except James Hunter in Drumschynnoch whose hand is led at the pen by Eustaeht Crychtoun, notary. [Seven scals remaining, but some of them broken and indistinet.]

ADDITIONAL MISCELLANEOUS WRITS—chiefly Bonds of Manrent by and between tho Lairds of Drumlanrig and the Lairds of Johnstone

and other Border families, between the years 1510 and 1601. Taken from the Inventory of the Queensberry Writs, 1693, the originals not having been found in the Charter room.

139. "IMPRIMIS, ane decreit arbitrall pronounced be Lochinvar and severall others, arbiters, betwixt the Lord Herries, the laird Drumlanrig, and the laird of Johnstoun, whereby they are decerned to keep freindshipe and mantaine one another ; dated March 1510."

140. "ITEM ane band of Manrent be Mcinzies of Caslehill to James Douglas of Drumlangrig ; daited 1st May 1527."

141. "ITEM ane other be Ninian Crichtoun in Bellybought, daited the 24 day of November 1536."

142. "ITEM, another be Andrew Rorisone of Bardonnoch, dated 28 January 1544."

143. "ITEM, another be Cunningham Brischall, daitit 20 Julij 1545."

144. "ITEM, another be Edward Johnstoun of Basbiehall, daitit 24 September 1553."

145. "ITEM, another be way of Contract betwixt the Lairds of Drumlangrig and Johnstoun, dated 23 September 1553."

146. "ITEM, another be William Carruthers of Dormont, daitit the 12 day of September 1568."

147. "ITEM, another be Johnstoun of Alchisheils and severall others of the name of Johnstoun, daitit in May 1564."

148. "ITEM, another be the laird of Johnstoun, dated 25 February 1570."

149. "ITEM, another be Johnstoun of Tunnergairt and others, dated 15 May 1570."

150. "ITEM, another be Johne Johnstoun of Newbie, for redelyverie of severall persones of the name of Irving, daitit in October 1569 yeares."

151. "ITEM, ane other band be Johne Baitie and several others of that name, daited 22 September 1570."

152. "ITEM, another be the laird of Johnstoun, wherby he is bound to reforme any faults done by his friends or servants, daited 23 Novembe 1570."

153. "ITEM, band of Manrent be Johne Carruthers of Holmaynes and his sone, daited 15 Agust 1550."

154. "ITEM, another be William Johnstoun in Broomhill, dated 3d Januarij 1568."

155. "ITEM, another be severalls of the name of Johnstoun, dated 5 May 1570."

156. "ITEM, ane band be the laird of Fairnihirst for redelyverie of one Adam Turnebull, daitit the penult July 1571."

157. ITEM, a band of Manrent be Crichtoun of Ryhill, Crichtoun of Carco, Crichton of Libra, Crichtoun of Crawfurdstoune, untill the majoritie of Lord Crichtoun their cheife, dated 6 Agust 1574."

158. "ITEM, another be the Johnstouns, dated in Maij 1567."
159. "ITEM, another be the Johnstouns in Milnebank, dated 1st Agust 1579."
160. "ITEM, another for entering of William Johnstoun in the Burne, dated "
161. "ITEM, another be Grahame of Cannabie and others, dated 19 March 1586."
162. "ITEM, another be Johne Grahame of the Laik and severall others of that name, daitit 1st November 1597."
163. "ITEM, another band be the Grahams, dated 10 November 1568."
164. "ITEM, a band be the laird of Johnstoun for entering of Johnstoun of Courans."
165. "ITEM, offers for the Irvings for the slaughter of the men of Mouswald, dated "
166. "ITEM, band be McGahan of Dalquhat to Drumlangrig, dated 28 October 1601."
167. "ITEM, band of maintenance be the laird of Drumlangrig to Caslehill and his sone, daited 1st May 1527."
168. "ITEM, minut of the bands in the Borders."
169. "ITEM, coppie of objections and answers made by the laird of Johnstoun in the Court of Redress."

HEAD NINTH.—CHARTERS and other WRITS relating to the Abbey of Holywood.

The Abbey of Holywood or *Sacri Nemoris*, the sacred grove, was situated in the parish of that name in Nithsdale, Dumfriesshire. Both the Abbey and the parish derive their name of Holywood from a sacred grove of oak trees which existed in the district so far back as the time of the Druids. Large stones, eleven, but formerly twelve in number, arranged in the form of a Druidical temple connected with the grove still point to this early period and its pagan association.

The temple of the Druids subsequently is reputed to have given place to the cell of the hermit. This hermit, named Congal, said to have lived about the beginning of the eleventh century, gave to his cell the name Dercongal, or the Oakwood of Congal, a designation which was still given to the district two centuries later.

The cell of Congall ultimately became the Abbey of Dercongal or Holywood. But from the time of the Reformation to 1779, the then remaining portion of the abbey, which escaped the fate of so many buildings of a like kind at this period, was used as the parish church. It was, however, thereafter taken down and the materials of the building were used in the erection of the present parish church. Traces of the abbey may still be seen in the churchyard which is formed upon the site of the building.

The precise date of the founding of the Abbey of Holywood is unknown. Its approximate date, however, is between 1120, when the order of the Premonstratensian monks, whose residence it became, was instituted, and 1154 when one of the bells of the abbey, which now does

service in the parish church, according to an inscription on it, was consecrated by the abbot John Wriah. The founder of the abbey is by Dugdale said to be John (Maxwell) lord of Kirkconnel. But Devorgilla wife of John Baliol, lord of Barnard Castle, and mother of John Baliol, King of Scotland, is also named in this connexion. Edward Bruce, lord of Galloway, in the reign of his brother, King Robert the Bruce, established at the abbey an hospital and chapel and endowed them with lands in Galloway.

In 1257, the monks of this Abbey went into litigation with the monks of Melrose regarding the tithes of Dunscore. Its abbot sat in the parliament of Queen Margaret which met at Brigham on 17 March, 1290. Six years later, on 28 August, 1296, Dungald, Abbot of Holywood (Seint Boyse) appears in the Ragman Roll, as swearing fealty to King Edward the First at Berwick-on-Tweed. This act of the abbot secured to him the restoration of his property by Edward. On 8th May 1365, letters of protection were granted to the Abbot and Convent of the Monastery "de sacro nemore" by King David the Second. The abbot of Holywood in the years 1475, 1481, 1483, and 1487, sat in parliament.

No Cartulary of the Abbey of Holyrood containing charters granted to or by the abbey is now known to exist. The original charters of endowment of the lands of the abbey are also missing. The writs now reported in this section, however, record many of the lands and possessions of the Abbey. They also for the most part show the dispersal of these after the Reformation had commenced. In 1522 Abbot John disposes of the lands of Keyr, Bardanach, Barjarg, and others to Robert, Lord Maxwell, in consideration of counsel and help given and to be given by him and his heirs and successors to the Abbey, and an augmentation to their rental. The various steps taken to obtain the Apostolic confirmation to this arrangement are stated at length.

Thomas Campbell was abbot of Holywood in 1556 and is styled Commendator in 1572. He dispersed many of the remaining lands as appears from the Register of the Great Seal, and as is also evident from some of the writs in this section. This commendator adhered to the cause of Queen Mary after her escape from Lochleven. For this he was found guilty of treason and sentence of forfeiture was passed upon him. But this sentence must have been relaxed, to some extent at least, as he is afterwards found disposing of the teind sheaves of the Abbey. About 1570 Thomas Campbell complained that Lord Sanquhar had withheld the rent of Kirkconnel for a period of fifteen years. This commendator died sometime before 28 April 1580, when through the influence of James Douglas, Earl of Morton, the King granted to James afterwards Sir James Johnstone, then a minor, son and heir apparent of John Johnstone of that ilk, warden of the west marches, for all the days of his life, the Abbacy of Holywood, vacant by the decease of Thomas Campbell. One deed here reported on (No. 179 *infra*) is given by James Johnstone as commendator. He was the hero of Dryffesands and his tragical fate at the hands of John, Lord Maxwell, is well known.

James Johnstone continued to hold the commendatorship of Holywood until the year 1600, when he demitted it. On 15th August of that year King James the Sixth gave a grant of the office to Mr. John Johnstone, advocate, constituting him for his lifetime commendator of Holywood and its spiritualities with a vote and place in parliament. The grant, which is under the Great Seal, is said to be in compensation for particular services in divers years rendered by him. Mr. John Johnstone was the last commendator of the Abbey of Holywood.

170. CHARTER by John, Abbot of the Monastery of Holywood (*Sacri Nemoris*) and convent thereof, of the Premonstratensian order, of Glasgow diocese, whereby for the good and thankful council, help, and assistance rendered to them by a noble lord, Robert, lord Maxwell, and to be rendered to them and their monastery and their successors, by him and his heirs, and for augmentation of their rental extending yearly to the sum of £10 Scots more than ever the underwritten lands paid in firm, grassum, and secular service, they grant and in feu-farm let to Robert, Lord Maxwell, and his heirs and assignees, the £16 land of old extent of Keyr, £4 land of Bardanachis, £4 land of Kirkbridis, £3 land of Barjarg, Ferdyne Jaines and Barboy, 40 s. land of Blakwod and Ronanestovne, 40 s. land of Barscotland, £4 land of Alanetovne, and 20 s. land of Swyre all of old extent, in the lordship and barony of Holywood, and sheriffdom of Dumfres and diocese of Glasgow, with the office of bailliary of all and sundry the lands of the lordship and barony of Holywood; reserving to the Abbot and Convent and their successors the teind sheaves and multures of grain of all the foresaid lands, with the mortuaries (*mortuariis*) and all and sundry other tithes of the said lands; to be held by him, his heirs and assignees, of the abbot and convent and their successors, in feu farm and heritage for ever, for payment of £10 Scots, and beyond that the sum of £78 Scots which the lands paid formerly in ferm, grassum, and secular service, extending in whole to £88 in name of annual rent and feu ferm. Contains clause of warrandice, and the common seal is attached, at the Monastery of Holywood, 17 October 1522. Witnesses, Mr. Archibald Stewart, rector of Kirkmahoo, Schir John Turnour, pensionary of Kirkgunzeane, notary public, and others Subscribed

Johānes Abbas, manu pp'a.
 Thomas Hanna manu pp'a.
 Wilelm^o Corssen, manu ppria.
 Thomas Roxburgh, manu pp'a.
 Adam Cunygham, manu pp'a.
 Robertus Edzař, manu pp'a.
 Robertus Welch, manu pp'a.
 Andrew Hanyng, manu pp'a.
 Thomas Schortryg, manu pp'a.

[Seal remaining, broken; a tree or bush. Legend “ . . BBIS . ET . CONVENTI . SAC . : . ”]

A precept of sasine followed on the 14 October 1523 and sasine was given first to Alanetoun and Swyre, at the Cairn of Alanetoun (*congeriem*); of Bar Scotland at the house of William McNyeh, of Blakwod, near “ lee March dyke ” between Barscotland and Blakwod; of Barjarg at a cross upon the lands of Barjarg; of Keyr, at the house of Fergus Grersone there, &c., all given to Robert, Lord Maxwell personally present. Sasine of the bailliary is given by a rod (*virga*) 4 December 1523.

171. COMMISSION by Laurence, grand penitentiary of Pope Adrian the Sixth, directed to the Abbots of the Monasteries of Dundrananc and Sweetheart (*Dulcis cordis*), of Whithorn and Glasgow dioceses, stating that he had received a petition on behalf of John Abbot of Holywood and convent thereof, of the Premonstratensian order, of Glasgow dioeese, in reference to certain lands, to wit, of Keyr of a £16 land, Bardannachis £4, Kyrkbridis £4, Alanetone £4, Baiargi Fordiniames and Barboy £3, Blakwod and Ronanstone 40 s., Barscotland 40 s. Swyre 20 s. of old extent, of money having course in those parts, in the barony or lordship

of Holywood and sheriffdom of Drunfres, of Glasgow dioeese, united or belonging to the said monastery, together with the office of Bailliary of the lordship and barony ; which, being desirous to improve the condition of the said monastery, the abbot and convent had granted and leased for a yearly ferm or pension of £80 Scots making £20 sterlinc more or less, to be paid half at Whitsunday and half at Martinmas to the said John and Abbots and convent for the time, with other conditions &c. in perpetual lease (in emphiteosim perpetuam) to Robert Lord of Maxwel, for him and his heirs and successors. The petition presented to the Penitentiary by the Abbot bore that the lease was for the evident benefit of the monastery ; and parties wished the confirmation of the Apostolic See thereupon. Wherefore, by authority of his lord the Pope, and by his special behest *vivâ voce*, he charges their discretions to make inquiries, and if they found the lease to be for the evident benefit of the Monastery, to confirm it by Apostolical authority, &c. Given at Rome, at St. Peter's, under the seal of the Office of the Penitentiary, VI. Kal. Aprilis (27 March) first year of pontificate of Adrian the Sixth [1523.] [Half of skippet remaining, but seal gone.]

172. LETTERS by James, Abbot of Dundranane, and Herbert, Abbot of Sweetheart Abbey, of Whithorn and Glasgow dioceses, judges and commissioners deputed by the Apostolic Sce, addressed to all and sundry lords, abbots, priors, deans, &c., stating that they had received letters from Lawrence Priest Cardinal, with Seal of the greater Penitentiary attached and delivered to them by Robert Lord Maxwell, given at St. Peters at Rome, VI. Kal. Aprilis 1st year of Adrian's pontificate ; requiring them to inquire into the value of the lands of Keyr, &c. [as in No. 170.] After reading which letters, the Judges were earnestly requested by Lord Maxwell to make citation of parties, John Abbot of Holywood and others, to be affixed on the doors of the metropolitan church of Glasgow, and cite the said John Abbot of Holywood and others having interest to appear before them in the parish church of Begar, on the 16th of September instant, to hear their decision about the lease of the said lands of Keyr and others : and also summoning John Maxwell of Carnsalloche, William Maxwell, tutor of Tynvald, Fergus Dungallsone and others to bear witness about the value of the lands. Dated at Edinburgh of St. Andrews diocese, 4th September 1523. Witnesses, Schir Thomas Nudrie, prothonotary of the Apostolic Sce and Commendator of the Monastery of Culros, Adam Steuart, burgess of Edinburgh and others.

[One seal of James, Abbot of Dundrennane, remaining, but broken.] The messengers execution states than on 10 September, John the abbot and convent of Holywood were cited as above : On same date John Maxwell of Carnsallach and William Maxwell of Blarboy, &c., and on 13th all having interest were summoned in the monastrial and parochial church of Holywood.

173. LETTERS containing the process and confirmation following upon the preceding commission by James, Abbot of Dundranane, and Herbert, abbot of Sweetheart Abbey. In these letters they narrate the presentation to them of the foregoing commission by Robert, Lord Maxwell, before notary and witnesses. The commission itself is engrossed. Next follows the charter itself by Jolin, Abbot of the Monastery of Holywood and convent, [etc. No. 170 *supra*.]

This charter and commission was presented to the Judges by Lord Maxwell who craved execution. The judges having first warned the Abbot and Convent and others having interest to appear before them in

the parish church of Begar, on 16th instant September, at 10 forenoon, &c., on which day the commissioners sitting in judgment, Robert, Lord Maxwell compeared before them and reported the citatory letters duly executed and indorsed, parties were thrice summoned &c., when John, Abbot, appeared for himself and Schir John Turnour, priest and notary public in name of the convent, the commission, &c., being read no one appeared to object ; and at the request of Lord Maxwell the parties not compearing were denounced as contumacious, and silence imposed upon them ; and the judges proceeded to execute the comission. By examination of trustworthy witnesses, and the abbot and procurator for the convent, the judges found the statements in the commission and charter to be true and the lease to be for the evident utility of the monastery ; and at the request of Lord Maxwell decern and declare the grant and lease, charter and letters, &c., to be for the benefit of the monastery, and to be ratified and confirmed by Apostolical authority, &c. The Instrument of Process is directed to be subscribed and published in their presence by the scribe, and the Judges' seals to be appended. Done in the parish church of Begar, 16 September 1523. Witnesses, Schir Paul Fraser, dean of Ross, James Douglace of Drumlanark, James Matillent of Auchingassil, John Douglace, James Charteris, Archibald Douglace, David Maxvel, esquires, and Schir John Nicholsone, priest and notary public.

The docquet is written by John Laudar, M.A., clerk of the city of St. Andrews, notary public, by Apostolical and Imperial authority, and matriculated and described in the office of writers of the Roman Court. [One seal remaining, that of the Abbot of Dundrennan nearly perfect, bearing the Virgin under a Canopy. Legend, "s. JACOBI . . .
ABBATIS D' DVNDRENAN."]

174. BULL of Absolution by Pope Clement (the Seventh, Julius de Medici), in favour of William Steward, provost of the church of St. Mary the Virgin of Lynclowden, of Glasgow diocese, to whom the Bull is directed. The pope states that he intended to appoint him to be bishop of the church of Aberdeen, and in case he were bound by any sentences, censures or ecclesiastical pains, he absolves him from any sentences or pains of excommunication, suspension and interdict, in order that the provision foresaid might take effect. Given at Roime, at St. Peter's, Id. Nouembris (13th) 1532. [Seal wanting.]

175. CHARTER by Thomas, perpetual commendator of the monastery of "Sancti Nemoris, Halywood vulgariter nuncupati" and convent thereof, of the Premonstratensian order, of the diocese of Glasgow, lords superior of the underwritten lands, granting to their well-beloved Robert Kirkpatrick, son and heir male of the late John Kirkpatrick of Alisland, begotten between him and the late Egidia Greirsoun, his spouse, for the time, and his heirs male whomsoever, whom failing the eldest of his heirs female without division, of all and whole the six merk land of Brachath of old extent, in the barony of Halywod, and sheriffdom of Drumfreis, excepting the multures of the harvests of the said lands growing upon them which they reserve to them and their successors ; which formerly belonged heritably to the said Robert and which he personally resigned in their hands at their monastery. Moreover, for the good faithful and thankful service done by the said late John Kirkpatrick, and Robert Kirkpatrick, his son, to the granters and their monastery, and in respect of great sums of money paid by the said late John for the granters' heritable infestment of feu-farm of the foresaid lands granted to him and his heirs male begotten between him and Egidia his

spouse, also for the sum of £170 Scots money, paid to them for reparation and building of our said monastery and houses thereof, whereof not the smallest part (*pars non minima*) by hostile invasion not only of the old English enemies of the kingdom, but by the daily attacks (*quotidianum incursum*) of other wicked subjects of the same assisting the English enemies, was almost entirely cast down and overthrown (*dicta et euersa*), and for several other causes and considerations moving them, *de novo* infest and set in feufarm to the said Robert and his heirs male whatsoever, whom failing the eldest of his heirs female without division, the said six merkland of Brachath of old extent, except as before excepted ; to be held of the granters and their successors, commendators or abbots and convents of the monastery of Holywod, in feufarm and heritage for ever, for rendering yearly six merks Scots, contained in their rental, and nine merks in augmentation, extending in all to £10 Scots, in name of feucfarm : and a duplication at the entry of each heir, the lease to expire on failure of payment for threc continuous terms. Dated at the Monastery the last of August, 1555, before Sir John Jameson, Robert Hynd and John Velche. Subscribed "Thomas commendatarius Sacri nemoris" "Ioannes Huff manu propria," Villelm^o Hanyng manu propria," "Joannes Velche, subprior mā subprior" (*sic*), "Thomas Roxburgh, manu ppia," Iohānes Logan, manu ppia." Seal attached somewhat broken. It bears a shrub or tree.

176. PRECEPT of Sasine by Thomas [Campbell] abbot of the Monastery of Holywood, and convent thereof, directed to Aimer Maxvell of Meikill Spaiddoch, because it was well known to them (*clare constat*) that the late Robert, Lord Maxvell, grandfather of John Maxvell, bearer, died last vest and seized, &c., in the £16 land of old extent of Keir (etc. same lands as in No. 170 *supra*) and office of bailliary, &c., under reservation of the teind sheaves, &c., and the said John Lord Maxvell was nearest lawful heir to his grandfather, &c., was of lawful age; and the lands were held of the Abbot and his successors as lords superior, by service of feu farm, in chief, charging therefore their bailie in that part to deliver sasine of the said lands. Dated at Holywood, 16 March 1556[-7]. Witnesses, Robert Maxvell of Kowhill, Herbert Creychtoun of Neuwerk, Schir Marc Carrutheris, rector of Mowswald, notary. Signed, "Thomas Campbell commēdatarius Sacri Nemoris," and by John Welche, sub-prior Thomas Roxburgh, John Logan, John Lytill, William Hanyng, and Arthur Hammiltone, all "manu propria." [Seal now wanting.]

Sasine was given upon this precept to Sir John Maxvell of Terreglis, knight, uncle (patruus) and as attorney of John Lord Maxvell, appointed by letters patent of the Queen, dated at Edinburgh, 30 October, 15th year of the Queen's reign, the sasine being given by Aymer Maxvell of Spaiddoch. Done on the lands of Allantoune, 1557, in presence of John Greirsoun of Lage, Cuthbert Greirsoun, and Gilbert Greirsoun, his brothers, Gilbert Griersoun of Pandland, Thomas Griersoun of Barjarge, Andrew Portar, Robert Maxvell of Porterrak. Docquet by Herbert Cunynghame, notary public and clerk of the Sheriff Court of Dumfres.

A later sasine was given to John, Lord Maxwell, as son and heir of the late John, Lord Maxwell, on a precept from chancery directed to the sheriff of Dumfreis, of the same lands here called Keir, Bardannochis, Kirkbryidis, Parkiarg, Ferding James, and Barboy, &c., with the office of bailliary, and also the 6 merk lands of Balterssane, of old extent, with tower and fortalice, 3 merk lands of Gleneslanc for his fee and office, and in the mills of Keir and Allanetoune, &c., dated 20 February, 1605. Sasine is given by William Creychtoun of Darnehuuche, sheriff depute

of Dumfreis to John Maxwell, natural son of the late Robert Maxwell, of Castelmilk, attorney of John, Lord Maxwell, 11 April, 1605. Witnesses, Robert Creychtoun, brother of the said William Creychtoun of Darnehuueche, and others.

177. Charter by Thomas, commendator of Holywood, and convent thereof, for benefits done to them by John Maxwell of Terreglis, Knight, tutor and governor of John, Lord Maxwell, and in augmentation of their rental, &c., letting in feu farm heritably to John, Lord Maxwell, and his heirs male, their mills of Keir and Allantoun, with watergang, multures and sequels of all lands that formerly paid multures to the mills or are known to pay to the mills in time coming, in the sheriffdom of Drumfres, extending yearly in their rental in fermis and other profits to £20 Scots and 24 bolls of oatmeal of the measure of Nytht (Nith); to be held of them and their successors in feu-farm and heritage for ever, paying yearly for the multures, &c. £20 Scots and 24 bolls of oatmeal and 3 merks in augmentation of rental at two terms, the purification of the Virgin Mary and St. Peter *ad vincula*; and the heirs paying a duplucand at entry. Contains clause of warrandise. Dated at the Monastery of Holywood 1558. No day, month, nor witnesses. Subscribed by the same abbot and friars as the precept foregoing, except John Lytill. [Seal wanting.]

This was followed by a precept of sasine, of same date, subscribed by the same persons, directed to James Maxwell of Porterrak. The common seal is said to be affixed. [Seal remaining, but figures obliterated. The inscription seems to read "S. MONASTERII SACRI NEMORIS." A commission was issued by John, Archbishop of St. Andrews, Primate of Scotland, and Legate of the Apostolic See, with power of a legate *a latere*, directed to the abbot of Sweetheart Abbey, of the Order of St. Augustine, of Glasgow diocese, and to the Prior, subprior, and arch-deacon of the Church of Whithorn, of the Premonstratensian order, directing them to make inquiries and if the sale was found for the good of the church to confirm it by Apostolical authority, a petition to that effect having been presented to him by John, Lord Maxwell. Dated at Edinburgh of St. Andrews diocese, 28 May, 1558. At the foot of the document are signatures of "A Forrest sec.", "Datarius," "F. Petrus," "T. Blac Abb^{ter}." [Only half of skippet remaining.]]

Sasine was given to John, Lord Maxwell, 4 April, 1576, on the precept which is ingrossed and the day and month given 20 April 1558, and witnesses inserted which are blank in the original precept.

178. Tack or Lease by Thomas, Commendator of the Abbey of Holywood, for divers great sums of money paid in name of grassums which had been all applied to the benefit and weal of the Abbot and his Abbey, with consent of his convent, letting to John Maitland of Auchingaschill, Dorathie Johnstoun his spouse, and Robert Maitland, their son, for their lifetimes &c., and for nineteen years, the teind sheaves of the whole lands in the parishes of Penpont and Tynroun pertaining to him as parts and pertinents of the Abbey, their entry to be at date, for the yearly sum of 28 merks 6s 8d Scots, at two terms Candlemas and Lammes, for the teind sheaves of lands in the parishes which are now in the said persons own hands, viz., Auchingaschill, Auchinbanze, Clawquhanholme, 100 s. land of Bagrawis, Auchinfathe, Tibberstoun, Messingeris lands, "to wit, the layrd Amvligane and the laird Makcallis lands," Cloyngavies, &c., the 40 s. land of Penpont and Grenane, &c. And as there were other persons who had tacks of teinds on terms yet to run in the same parishes, at the issue of the said tacks,

when the present could take effect, they should pay the duties specified in the other leases, &c. Dated at Halywod, 20 July 1572. Subscribed "Thomas Campbell commendator of Halywod," and is witnessed by John Douglas and John Haliday, notary. [Seal remaining bearing the figure of a tree.]

179. LEASE by James, commendator of Haliuod, with consent of the convent of the Abbey thereof, for certain sums of money paid in name of "gersum" by Dorothe Johnnstoun, Lady Auchingassill, spouse of John Maitland of Auchingassill, of which they discharge her and her spouse, by which they set to her and Robert and James Maitland, her sons, and the longest liver of the three in liferent &c., for 19 years after the decease of the last, &c., of the teind sheaves of the 8 merkland of Tibberis, 2 merkland of Mollothefurd, 4 merkland of Balgears, 40 d. land of the "Castell of Tibberis, callit the Peilldikis," 2 merkland of Balgrayhill, 3 merkland of Auchinnay, 6 merkland of Auchingassill, 6 merkland of Auchinbanze, and other lands, 40 s. land of Grenane and Penpont, c merk of Glenquopenoht, &c., all of old extent, in the parish of Penpont and Tynrone, &c. The entry to be at date. Contains clause of warrandice and bears to be signed by the commendator and convent and the common seal appended, at the Lochuod, 24 April 1593, witnesses, the laird of Wamfra, Gilbert Johnstone in Glenkill, Walter Johnston in the Nuke, and others. Subscribed, "James commendator of Halyuod," "David Welsche, cōventar of Halywode," "Gilbert Johnstoun off Vamffray, witness," "Gilbart Johnstoun, witnes." [Part of seal remaining, but illegible.]

A Confirmation of this Tack was given under the Privy Seal at Halyruidhous, 28 September 1594, containing a clause that it should be valid to the persons for enjoying the teindsheaves according to the rights, "Notwithstanding quhatsumeuir crymes, offences, and transgressionis committit be the said commendator, and notwithstanding quhatsumeuer rebelliou and denunciationis of horningis led and execute aganis him for quhatsumeuir caus or occasiou bipast."

ADDITIONAL WRITS relating to the Abbey of Holywood and especially about Teinds of parishes related to the Abbey. [From Queensberry Inventory, 1693.]

Penpunt.

180. IMPRIMUS, ane tack of the teynd of the haill paroch of Penpunt, except Auchingassle, sett be the comendator of Hollywood to James Douglas of Drumlangrig for 3 years, dated 20 October 1525.

181. ITEM, ane Tack sett be William, abbot of Corseragle, as comendator of Hollywood, to James Douglas of Drumlangrig, of the lands of Auchinbesne, during his lifetyme, and for nyntein yeares thereafter, dated 10 May 1539, with another tack of the saids teynds to the said James, dated 16 May 1534.

182. ITEM, another tack of the teynds of Eccles and Scair set be the comendator of Hollywood to James Douglas of Drumlangrig for 19 years, dated 12 November 1554.

183. ITEM, the provision of the Kirk of Penpunt be the Archbishop of St. Andrews, granted to John Tailzior, dated 1557.

184. ITEM, ane confirmation in favours of William Tailzior, of the teynds of Peupunt, dated day 1557.

185. ITEM, a tack of the teynds of Glenessing, Eccles, and the Scarr, sett be the commendator of Hollywood to Drumlangrig, dated November 1572.

186. ITEM, another be Sir John Tailzior, vicar of Penpunt, to James Douglas of Drumlangrig for 9 years of the teynd lambs upon Scarr up from the Caineburn, dated 14 April 1573.

187. ITEM, another of the same teinds, dated 17 July 1578.

188. ITEM, another tack of the same teynd lambs, sett be William Tailzior to James Douglas of Drumlangrig, dated 14 Apryle 1590.

189. ITEM, ane procuratorie of Resignation of the kirk of Penpunt, parsonage and vicarage thereof, be Mr. John Johnstoun, commendator of Hollywood and convent thereof, to the effect it may be dissolved from the said Abacie, and that his Majestie may dispone the patronage thereof to Sir James Douglas of Drumlangrig, dated 12 June 1606.

190. ITEM, the Instrument of Resignation following thereupon, dated 3 September 1607, subscryved be James Dowie, notar.

191. ITEM, ane tack sett be Mr. William Austein, minister att Penpunt, to James Douglas, appeirand of Drumlangrig, of the teynds, parsonage and vicarage of the paroch of Penpunt, for the said Mr. William, his lifetyme, and for 3 nyntein yeares therafter, dated, 1st October 1607. Registrat 9 November thereafter.

192. ITEM ane Ratification be Mr. John Johnstoun, commendator of Hollywood, of the tacks of the teynds within the paroch of Penpunt, and the teinds of Glenslain in Glencairn and Dunscore sett to Sir James Douglas of Drumlangrig. Dated 12 June 1606. Registrat in the Books of Council and Session that same day.

193. ITEM, ane tack made and granted be Mr. John Johnstoun, commendator of Hollywood, and convent thereof, to Robert, Lord Crichtoun of Sanquhar for his lifetyme, and after his deceise for the space of three nyntein years, of the parochin of Kirkconnell, being within the barronie of Sanquhar and sherefdom of Dumfreis, the entrie att the date of the tack, paying therefore yearly 20 punds att the feist of Hallowmes, subscryved att Edinburgh, 3 June 1607.

32, Castle Street, Edinburgh,
24 December, 1895.

WILLIAM FRASER.

THE MUNIMENTS OF HIS GRACE THE DUKE
OF BUCCLEUCH AND QUEENSBERRY, K.T.,
IN THE CHARTER-ROOM OF DRUMLANRIG
CASTLE, IN THE COUNTY OF DUMFRIES.
BY SIR WILLIAM FRASER, K.C.B.

SECOND REPORT.

In my First Report on the Muniments at Drumlanrig presented to the Commissioners on Historical Manuscripts on 24th December 1895, the charters and miscellaneous feudal writs relating to the family of Douglas of Drumlanrig from the year 1357 and onwards till the year 1609 are fully described. There is also described in that Report an earlier series of charters granted by the Brucees as lords of Annandale from the year 1190 till Robert the Bruce, lord of Annandale, became King of Scotland, and Edward Bruce, his brother, became King of Ireland and Earl of Carrick. All these Douglas and Bruce charters, ranging as they do over four hundred years, illustrate the early history of the districts of Nithsdale and Annandale. Along with the other writs detailed in the First Report they contain many references to the families of Johnstone, Douglas, Kirkpatrick and Jardine, and to the Lords Carlyle of Torthorwald and the Abbey of Holywood.

The following Report is arranged into the five following heads :—

- I. The Patents or Diplomas granted to the family of Douglas of Drumlanrig of all the grades of the peerage including a lord baron of parliament, a Viscount, an Earl, a Marquis and the august title of Duke.
- II. Commissions, Instructions, Correspondence, and many original writs connected with the first Session of the only parliament held by King James the Seventh of Scotland.
- III. Twelve official letters by King James the Seventh to William, first Duke of Queensberry, as Commissioner to that parliament, and also to the lords of the Committee of the Secret Council, from 25 April to 3 August 1685.
- IV. Fifteen private holograph letters by King James the Seventh to William, Duke of Queensberry, as Commissioner, from April to June 1685.
- V. Miscellaneous Papers specially connected with the first Session of the Scottish parliament 1685, to which William, Duke of Queensberry, was Commissioner.

HEAD FIRST.—All the patents of peerage granted to the family of Douglas of Drumlanrig, including resignations and regrants from the year 1628 to the time of Queen Anne in 1706 are fully described in the present Report. They are nearly all similar in form and style to the patent of peerage of other families, with special narratives applicable to each grantee, as will be seen from the translations and descriptions of them. There is here, however, a peculiarity which is often taken notice of, viz., that there is a Dukedom of Queensberry and a Marquisate of the same name in two different lines of the same family, and this may require explanation.

William, fourth Duke of Queensberry, who was also Earl of March and Ruglen, under separate patents, and who was popularly known as "Old Q," died in the year 1810, unmarried. His title of Duke of Queensberry was inherited along with the landed Dukedom by Henry, third Duke of Buccleuch, who was thereafter known as the Duke of Buccleuch and Queensberry. The Marquisate of Queensberry was at the same time claimed by Sir Charles Douglas of Kelhead, Baronet, as the heir male of the Douglases of Drumlanrig. His claim came before the House of Lords as the competent tribunal. All the patents of peerages of the family were produced from the Drumlanrig charter chest in the House of Lords. Henry, Duke of Buccleuch and Queensberry, promoted the claims of Sir Charles Douglas, who was his son-in-law through the marriage of the claimant with Lady Caroline Montagu. After consideration of the patents produced by the claimant and hearing counsel for him and for the Crown, the House of Lords, on 9th July 1812, pronounced the following judgment—That the petitioner had made good his claim to the dignities of Marquis of Queensberry, Earl of Queensberry, Viscount of Drumlanrig and Lord Douglas of Hawick and Tibberis, and that he ought to be enrolled in his place as such upon the Roll of the Peers of Scotland. Charles, Marquis of Queensberry, died without male issue and was succeeded by his brother, Archibald, and from him the title has descended to the present Marquis of Queensberry. This is a short explanation of the apparent anomaly of a Duke of Queensberry and a Marquis of Queensberry in the same family.

There is another peculiarity connected with the descent of the title of Duke of Queensberry in this family which may also be here explained. The patent of the Dukedom was given to William, the first Duke, and the heirs male of his body, and it descended to his eldest son, James, the second Duke, commonly known as the "Union Duke," from the fact of his being the royal Commissioner in Scotland, when the Union between England and Scotland was effected. For certain family reasons and specially in reference to the feeble health of his eldest son, James, Lord Drumlanrig, the second Duke, took counsel with the ablest lawyers of his time, and was advised, in the state of the family, to exercise the power common to the peers of Scotland before the Union. His Grace made a resignation of his title of Duke and his landed Dukedom into the hands of Queen Anne for a regrant of them. This secured the ultimate succession of the Dukedom and landed estates, on the death of William, fourth Duke of Queensberry, without issue, on 23d December 1810, to the heir of line of the Duke, Henry, third Duke of Buccleuch, son of Lady Jane Douglas, eldest daughter of James, second Duke of Queensberry. But the regrant did not affect the original grant of the Marquisate in favour of the heir male whatsoever of the first Marquis, who succeeded to the title under the judgment of the House of Lords in 1812 as above narrated.*

HEAD SECOND.—At the critical period of 1685, the date of the succession to the throne of King James the Seventh, the holding of a parliament in Scotland was an important event. The way in which that parliament conducted itself was highly satisfactory to James, who thought it would form a good precedent for the parliament which had

* Mr. Riddell in his *Peerage Law*, p. 669, states that Charles, Marquis of Queensbury, succeeded as the heir male "without a particle of the resigner's lands." But that is a mistake, as a local authority notices Mr. Riddell's error, and states that Charles, Marquis of Queensberry, heir male, inherited about £13,000 per annum out of the old Queensberry possessions.

to be held in England. The King, while Duke of York, had been long conversant with the affairs of Scotland. He had been commissioner to parliament for King Charles, and having resided in Scotland for years and been entrusted by the King with the business connected with that kingdom, he kept up a close correspondence with the Marquis and Duke of Queensberry, both in the later years of King Charles, or between 1682 and 1685, when Queensberry was regarded as prime minister for Scotland, and in the earlier years of his own reign.

It was important that in the first parliament to be held by the new King, the commissioner to represent him should be a nobleman of high rank and influence. The Duke of Queensberry by his possession of these qualifications was marked out for that exalted position, the highest to which a subject can aspire. His Grace and the Earl of Perth, as chancellor, were called to court to consult with James on the state of affairs. Bishop Burnet, in the History of his own Time, states that the Duke told the King if he had any thoughts of changing the established religion, he could not make any one step with him in that matter.* The King promised him that he would make no change and that he would have a parliament called at which he would be commissioner. The Duke pressed the Earl of Perth, chancellor, to speak in the same strain to the King, but he could not prevail on him to declare himself in so positive a style. Other historians refer to this early notification made by Queensberry to the Court.† King James carried out one part of his intention, and appointed the Duke of Queensberry as commissioner to his parliament, by commission dated at Whitehall, 28 March 1685 (No. 9 *infra*). The commission narrates that the King himself, being detained by affairs of high moment in England, was unable to be present at the parliament appointed to assemble at Edinburgh, on 23rd April 1685 : that he had resolved to entrust the power of representing himself there to some most eminent man of most illustrious rank and proved fidelity and special qualifications, and that having experience of the steady loyalty and singular endowments and fidelity of his most faithful and well-beloved cousin and counsellor, William, Duke of Queensberry, High Treasurer of Scotland, whose qualifications render him most meet and proper for undertaking such an office and for promoting the King's pious and royal designs for furthering the weal and interest of the kingdom in church and state, and for other reasons, he bestows on him that office with full powers. This commission was not to be prejudicial to the office of High Treasurer previously committed to the Duke of Queensberry.

The King himself, who, as already shown, was versed in the public business of Scotland, and the Chancellor Perth, and his brother, the honourable John Drummond, afterwards Earl of Melfort, secretary of State, were all well qualified to frame an elaborate table of instructions for the Commissioner in reference to the Acts to be passed in the parliament. These instructions are forty-one in number, and the original paper in which they are engrossed is still preserved (No. 10 *infra*). They are superscribed and also initialed by the King and countersigned by John Drummond as secretary, and indorsed as of the same date as the Commission 28 March 1685.

These forty-one instructions were nearly all passed into Acts of Parliament. This is indicated by the cross which the Duke of Queensberry as Commissioner made with his own hand on the original paper

* Burnet, Vol. III., p. 34.

† Macaulay's History, Vol. II., p. 112. (Tenth Edition, 1854.)

after each instruction had been embodied in an Act of Parliament. The Acts themselves may be read at large in the printed Acts of Parliament of Scotland, Vol. VIII.

The thirty ninth Article of the Instructions had special reference to the state of Scotland at this time. It required the commissioner to endeavour to obtain an Act "declaring all preaching at Conventicles in houses (as well as in the fields) to be death in the preacher, and banishment and great fines in the hearers and landlords, as also severe fines upon cities or towns where such conventicles shall be kept."

The required Act was obtained and passed. It is entitled "Act against preachers at conventicles and hearers at field conventicles." It breathes the same spirit of severity as the original Instruction. This will be seen from its terms which are as follows :—

"Our soveraigne lord, considering the obstinacy of the ffanatical party, who, notwithstanding all the laws formerly made against them, persevere to keep their house and field conventicles, which are the nurseries and rendezvous of rebellion, therefor his Majesty with consent of his estates in parliament doth statute and ordain, That all such as shall hereafter preach at such ffanatical house or field-conventicles, as also such as shall be present as hearers at field conventicles, shall be punished by death and confiscation of their goods."*

Nor were these forty-one Instructions deemed a sufficient and exhaustive guide to the commissioner and the parliament. Additional Instructions were transmitted from the court on such subjects as plantation of kirks, valuation of teinds, moneys mortified for building of churches, and ratification of sentences of forfeiture. Instructions were also sent down to pass an Act to ratify the privileges of the senators of the College of Justice ; to disjoin lands from one shire to another. The additional Instructions were all superscribed by the King and countersigned by Morray or Melfort, as Secretaries of State. They were for the most part passed into Acts of parliament. But in the case of the Instructions about the forfeiture of persons actually in rebellion in their absence, the Secret Committee of the Councel rejected the Instructions as being inconsistent with law, justice, and the King's service. The Commissioner adds a note that none seemed more of this opinion than the chancellor (the Earl of Perth). One Act desired to be passed was to annex all forscited estates to the Crown—a provision, doubtless, which was meant to be applied to the adherents of Argyll. This is the last of the Instructions, and is dated 10 June 1685. It is countersigned by the Earl of Morray as Secretary.

HEAD THIRD comprehends twelve official letters written by King James the Seventh, and addressed to William, first Duke of Queensberry, commissioner to the parliament, and also to the Secret Committee of the Privy Council. These offieial letters are superscribed by the King and they are also countersigned by one of the two secretaries, the Earl of Morray or the Viscount of Melfort. They relate to a variety of subjects. No. 30 (9) which is dated 1st June 1685 directs the Commissioner to return the King's hearty thanks to the parliament before their adjournment and to forbear putting in execution a former Instruction to suppress the surname of Campbell. No. 31 (10) orders a proclamation against the traitor, Archibald, late Earl of Argyll, and those who have risen with him in arms in the present rebellion. No. 32 (11) dated 3rd August 1685 gives directions in regard to such prisoners as were to be

* Acts of the parliaments of Scotland, Vol. VIII., p. 461.

banished to the Plantations in America and were so obstinate as not to own the King's authority, that one of their ears should be cut off in order to stigmatise them. This form of punishment was suggested by the Secret Committee of the Privy Council to the King, who cordially approved of it.

HEAD FOURTH comprehends fifteen private holograph letters from the King to his commissioner, William, first Duke of Queensberry, during the first session of the parliament in 1685. The King adds his initials "J. R." at the end of each letter with one exception. The letters refer to the current business of the parliament, which the King was pleased to find had begun well, as it would be a very good precedent to the English parliament. They also refer to the news arriving from Holland of the sailing of Argyll's expedition. The King surmised at first that Stirling would be the point aimed at; afterwards he judged that Argyll would make for Galloway to raise an insurrection in that district. Both surmises were erroneous as Argyll's force descended on Renfrew and were dispersed without much bloodshed. In his last letter the King requires the Duke as treasurer of Scotland to find the means of raising money to pay the three Scottish regiments that were coming from Holland.

HEAD FIFTH reports miscellaneous Papers, but all connected more or less with the Session of Parliament of the year 1685, and the Lord Commissioner. The first paper reported under this Head Fifth and given in full is the Minutes of the Proceedings of the Lords of Articles in the Scottish Parliament of 1685. The proceedings commence on the 24th of April and end on the 16th of June in that year. The Lords of the Articles were a select body chosen from Parliament to arrange the business, and settle what bills should be laid before Parliament, &c. At this time the mode of election was thus arranged: the clergy elected eight of the nobility, the Duke of Hamilton, the Marquis of Douglas and others: the nobility elected the Archbishops of St. Andrews and Glasgow, &c., and these sixteen so elected chose eight persons for the barons and as many more for the boroughs. The Commissioner having approved the names, added to them the officers of state. The lords of Articles elected in this manner were voted a grievance in the Revolution Parliament and the constitution of them was modified.

Among the other papers under this head, notice may be taken of the bond proposed by Viscount Melfort to be imposed upon the shire of Lanark, but which the Secret Committee of the Privy Council rejected as impracticable. There is also a short Memorial on the affairs of the Mint by Viscount Tarbat; also the speeches by the Lord Commissioner and Lord Chancellor at the opening and closing of Parliament.

The Duke of Queensberry executed his office as High Commissioner with general satisfaction, and if certain harsh acts with reference to the conventicles were passed through all the stages of the Lords of the Articles, Secret Council and parliament itself, he only followed out his royal instructions under the hand of the King. But the task of the Commissioner was not an easy one, as he was associated in his office with James Drummond, Earl of Perth, as Chancellor, and his brother John, Earl of Melfort, as Secretary of State. They were bent on supplanting Queensberry. Some of his opponents complained that he had been more overbearing than previous royal commissioners, and that he sat in church with his hat on his head. According to Macaulay the Chancellor had already an unquestionable title to the royal favour, he having brought into use a little steel thumbserew which gave such exquisite

torment that it had wrung confessions even out of men on whom his Majesty's favourite boot had been tried in vain.* Both Perth and Melfort avowed themselves converts to the Roman Catholic faith, and soon after presented themselves at Court and received such favour that they ventured to bring direct charges against Queensberry as Commissioner or Treasurer. Queensberry obtained a copy of the charges, and Sir George Lockhart, the eminent lawyer, wrote full and exhaustive answers to what was called Lord Melfort's "Lybell," and the King was satisfied that Melfort's accusations were frivolous and dismissed them. The King, however, was so pleased with the conversion of the two brothers and that of Alexander Earl of Morray, the Secretary of State, that he desired to promote them. Halifax to whom Perth expressed some apprehensions that his malignant desire to ruin Queensberry would ruin himself, answered to Perth, "Be of good cheer, my lord, thy faith hath made thee whole." That remark was much talked of at the time. Under the renewed authority which Perth and Melfort received from the King, they both carried matters with a high hand in Scotland. In the second Session of the first parliament of King James, another indignity was cast upon Queensberry, this time by the King. In the first session he had held the office of Lord High Commissioner. This dignity was now bestowed upon the Earl of Morray, who, as has been pointed out, had recently become a convert to the religion of King James, and who thereby, as Macaulay observes "abjured the religion of which his illustrious ancestor had been the foremost champion."†

In a subsequent page the same author notices the filling of offices and honours by those of the King's persuasion, and he adds that Queensberry was stript of all his employments.‡ But that statement is not strictly correct. His office of Lord Treasurer was put in commission as it had formerly been. The King was pleased to name him first in the commission, and also to appoint him president of the privy council with a salary of £1,000 per annum.§ He attended his place as president of council in the second session of the parliament presided over by the Earl of Morray.

Previous to this, on the 9th of October 1685, the Duke of Queensberry had obtained from the King a most ample letter of approbation and exoneration for his discharge of the many and high offices of Principal Treasurer and Justice-General of Scotland, governor of the Castle of Edinburgh, extraordinary lord of Session, as one of lords of Secret Council, and as sheriff of Nithsdale and Galloway and lately as High Commissioner in the first session of the current parliament, wherein he represented the King's sacred person and royal authority. In all these offices the Duke conducted himself with candour and integrity, and with the highest approbation and satisfaction of the King: and his Majesty indemnifies him for any acts of omission or commission that could be urged against him in his discharge of these offices, and approves his whole proceedings. (No. 61 *infra.*)

* Macaulay, Vol. II., pp. 112, 113.

‡ *Ibid.*, p. 124.

† Vol. II., pp. 113, 114.

§ No. 65 *infra.*

HEAD FIRST.—Diplomas and Patents of Peerages, granted to successive owners of Drumlanrig.

1. EXTRACT Act of the Privy Council on receiving two Patents by King Charles the First, both dated 1 April 1628, in favour of William Douglas of Drumlanrig, to be called Viscount of Drumlanrig, Lord Douglas of Hawick and Tibberis.

Apud Halyruidhous, vicesimo secundo die mensis Aprilis, anno Domini millesimo sexcentesimo octauo.

The whilk day Williame erle of Monteith, president of his Majesties counsell, presented and exhibite before the lords of priuie cunsell twa patents under his Majestieis great seale, both bearing date at Whytehall, the first day of Apryle instant. The one, by the whilk his Majestie wes gratiouſlie pleased, in remembrance of the manie good seruices done to his Majestie be his weilbelouit Williame Douglas of Drumlangrig, to preferre, advance and honnour him with the title, dignitie, ranke and preeminence of ane baron and lord of parliament: The other, by the whilk his Majestie was lykewayes gratiouſlie pleased, in remembrance of the seruices foresaid, to preferre, advance and honnour the said Williame Douglas of Drumlangrig with the dignitie, preeminence and ranke of ane vicount. Quhilke two patents, being read and considderit be the saids lords, they with all dew reuerence, did acknowledge his Majestieis bo[unty] and favour showne to the said Williame, and accordinglie did admitt and ordaine him to have his plaice, voit, ranke and dignitie in parli[a]ments, ge[n]erall counsells, pr[ivate and] publict meetings amongs [the no]ble men of his kingdome, and to be callit in all tyme Vicou[n]t of Drumlangrig, Lord Dowglas of Hawick and Tibberis. Lykeas the said vicount being personallie present, he with all due humilitie and reuerence, resaved frome the hands of the said lord president the two patents foresaid, and promeist to approue himselfe to the vttermost of his possibilite worthie of the favour, honnour and dignitie, whairunto his Majestie wes pleased to advance him. Extractum de libris actorum secreti consilii S. D. N. Regis per me, Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manuabibus.

(Signed) Jacobus Prymrois.

2. EXTRACT Act of the Privy Council of Scotland, 1st July 1633, on receiving a patent bearing date the 13 day of June, whereby his Majesty creates the said Viscount of Drumlanrig, Earl of Queensberry, Viscount of Drumlangrig, Lord Douglas of Hawick and Tibberis.

Apud Haſyrudhous, primo die mensis Julij, anno Domini millesimo sexcentesimo triccsimo tertio.

The whilk day George carle of Kinnoull, lord high Chancellor of this kingdome, produced and exhibite before the lords of privie counsell ane patent vnder the great seale, bearing date at Seatoun, the threttene day of Junii last, whereby his Majestie remembiring the worth and affectioun of his weilbclout cousine, Williame viscount of Drumlangrig, Lord Douglas of Hawick and Tibberis, whiche he careis toward his Majestieis service, his Majestie hes thairfoir beene graciouslie pleased and for the better encouraging of the said vicount to doe his Majestie service hicerafter, to bestow vpon him some pledge and tokin of his royall favour and respect; and for that effect out of his royall power and auctoritie hes made, constitute, creat and inaugurat the said vicount of Drumlangrig, Earle of Queinsberrie, Vicount of Drumlangrig, Lord

Douglas of Hawick and Tibberis, and hes given unto him and his airis male, bearing the surname and armes of Douglas, the honnour, order and degree of dignitie of ane earle, with all and sindrie prerogatives, preeminences, priviledges, liberteis and immuniteis pertaining thereto, as the said patent of the dait abonewritten more fullie proports : Quhilk patent being read, heard and considderit be the saids lords and they acknowledging his Majesteis gracious favour shawin to the said vicount in preferrring and nobilitating him with this honnour, order and degree of dignitie, they have accordinglie ordained and ordains the said vicount and his airis male foresaid to be callit in all tyme comming Earles of Queinsberry, Vicounts of Drumlangrig, Lords Douglas of Hawick and Tibberis ; and to have place, vote, ranke, and precedence in all parlia-ments, generall counsellis, privat and publict meitings amongs the Earles of his kingdome, according to the dait of his patent and creatioun foresaid. Lykeas the said lord Chanceller delyvered the said patent to George Deanes, servitour to the said Earle of Queinsberry, who with all dew reverence on his knees receaved the same frome the said lord Chanceller in name of the said Earle of Queinsberry. Extractum de libris actorum secreti consilii S. D. N. Regis per me, Magistrum Gilbertum Prymerose, clericum ejusdem, sub meis signo et subscriptione manualibus.

(Signed) M. G. Prymerose.

3. EXTRACT Diploma by King Charles the Second creating William Earl of Queensberry, Justice General of Scotland, Marquis of Queensberry, Earl of Drumlanrig and Sanchar, Viscount of Nith, Torthorwald and Ros, Lord Douglas of Kinmont, Middlebie, and Dornoch. To be held by him and his heirs male whomsoever. Dated 11 February 1682.

Diploma by Charles (the Second) King of Great Britain, France and Ireland, and defender of the Faith, by which considering the very many and very distinguished services rendered to him by his most trusty and well beloved cousin and councillor William, Earl of Queensberry, justice general of his ancient Kingdom of Scotland, and his remarkable faithfulness and service towards the King's interest, love and affection, of which he had given very many singular tokens, as well in private as in divers public employments and offices committed by the King to his trust, and in which he had conducted himself with the utmost diligence and fidelity, and according to the King's wish ; and considering also the firm and unchanging loyalty of the said Earl's family, particularly the adhesion of his father and grandfather to the King and his father of blessed memory, in the time of the latest most unhappy rebellion, and their very heavy losses for the King at that time, and as a sign and token of his thankful remembrance of the said services, the King resolves to confer a lasting mark of his favour on the said Earl and his family : therefore the King makes, appoints, creates and inaugirates the foresaid William Earl of Queensberrie, Marquis of Queensberrie, Earl of Drumlanrig and Sanchar, Viscount of Nith Torthorwald and Ross, Lord Douglas of Kinmonth, Middlebie and Dornock, and gives to the said William Earl of Queensberrie and his heirs male whomsoever in all time coming the title, honour, rank, degrec and dignity of MARQUIS with all and sundry prerogatives and freedoms &c. thereto belonging, and invests him and them in the same ; to be called MARQUISES of QUEENSBERRIE (&c. as above). To be held by him and his heirs male whomsoever of the King and his successors for ever, in all and sundry parliaments, general councils, meetings of estates and other assemblies, public and private whatsoever, with all and sundry

privileges and immunities whatsoever thereto belonging or which now or afterwards may be known to belong to any Marquis within the said kingdom. Further, the King commands the Lyon King of Arms and his brother heralds to make such additions to the Earl's present coat of arms as is wont to be given in such cases. And decerns the present diploma to be as valid to the said William Earl of Queensberrie and his foresaids, for enjoying the said title, as if he had been invested in the same with all solemnities and ceremonies, ancient, used and wont, where-with the King dispenses. Commands the Great Seal to be appended, at the Court of Whythall, 11 February 1682. (Official Extract by Lord Charles Kerr, director of chancery, in 1703.)

4. ORIGINAL WARRANT by King Charles the Second to the Lyon King of Arms, for adding the Royal tressure to the former eot of the now Marquis of Queensberry, 20 April 1682.

(Superscribed) Charles R.

WHEREAS wee having lately conferred the title and dignity of a Marquis upon our right trusty and right wellbeloved cousin and ecancellor, William late Earl of Queensberry, and it being fit that the said Marquis have some honourable addition to his former coat of arms; therefore wec, taking to our consideration the good and eminent services done and performed to us by the said William now Marquis of Qucens-berry, have as a further mark of our royall favour to the said Marquis, warranted and authorised, as we doe hereby warrant and authorise our Lyon King of Arms, in our ancient kingdome of Scotland, to adde and allow to the said William Marquis of Queensberry and to his heirs (as an honourable addition to his former coat of arms) the royall tressure, of the same colour as it is in our royall atchievement. For doing whereof these presents shalbe to our said Lyon King of Arms, and all other persons who may be therein concerned, a sufficient warrant. Given at our court at Whitehall, the 20th day of April 1682 and of our reigne the 34th year.

By his Majesties command.

(Signed) Morray.

Edinburgh, 13 May 1682.

His royall Majesties warrant within writen in favours of the noble Marques the Marques of Queensberry within designed for bearing the royall tressure, being presented by Mr. John Richardsone, wryter in Edinburgh, in name of the said noble Marques, is registrat in the principlall Register of Armes belonging to the Lyon Office (in absence of the clerk) by

Robt. Innes, Lyon depute.

5. DIPLOMA by King Charles the Second creating William Marquis of Queensberry, treasurer principal of Scotland, Duke of Queensberry, Marquis of Dumfriesshire, Earl of Drumlangrig and Sanquhar, Viscount of Nith, Torthorwell and Ros, Lord Douglas of Kinmonth, Middlebie and Dornock, to the Duke and the heirs male of his body; with a provision that this diploma should not derogate from the diploma previously granted to the Marquis and his heirs male whomsoever of the dignity of Marquis of Queensberry.

Diploma by King Charles (the Second) King of Great Britain, France and Ireland, and defender of the faith, whereby, considering the very many and distinguished offices performed by his most trusty and wellbeloved cousin and counsellor, William, Marquis of Queens-

berrie, treasurer principal of Scotland, of which he had given remarkable testimonies both in his private capacity and in distinguished public employments, intrusted by us to him, particularly the high office of principal Treasurer of our said kingdom, whieh he held with conspicioius faithfulness and zeal, and by his love and loyalty to our person and government rendered himself most dear to the King, and recalling also to mind his predeessors' firm loyalty, of which his father and grandfather, during the late unhappy commotions and rebellion, gave singular proofs ; therefore the King, as the source and fountain of all honour and dignity in his dominions &c., makes, creates and inaugirates the foresaid William, Marquis of Queensberrie, DUKE of QUEENSBERIE, Marquis of Drumfres-shyre, Earl of Drumlangrig and Sanquhar, Viscount of Nith, Torthorwell and Ross, lord Douglas of Kinmonth, Middlebie and Dornoek : Giving to him and the heirs male of his body, the most august title of Duke, with all immunities, precedence, priority, and suffrages in all parliaments, general councils, meetings of estates &c. To be held of the King and his successors for ever ; and as validly as if all ceremonies and solemnities anciently used had been employed, with which the King dispenses. And further commands the Lion king of Arms, to give such additions to his coat of arms as are meet ; with a provision that this grant and acceptance of this diploma, should in no wise derogate or prejudice the diploma previously granted to him and his heirs male whomsoever, of the title and dignity of Marquis of Queensberrie, and other dignities therein described, which, failing heirs male of his body, the King declares is in no way to be prejudiced or innovated by this diploma. Commands the great seal to be appended, at the court at Whytehall, 3 November 1684. Fragment of great seal remaining on a tag of gold lace. An illuminated border having at the top the armorial bearings of the Duke of Queenberry, quarterly, first and fourth the Douglas arms, and second and third those of Mar. On the dexter and sinister sides there are on each respectively four shields of arms. Earls of Queensberrie, Lothian, Wigtoun, and Nithsdale, on the dexter side, and on the sinister side the Earls of Traquair, Southesque, Lord Uchiltree and "Eagle, then Earle of Crawford." The coats of arms are all set in a tracery of Scottish thistles, flowers, leaves, and stalks, very brilliantly set in gold.*

6. PROCURATORY of Resignation made by James, Duke of Queensberry, Marquis of Dumfriesshire, Earl of Drumlanrig and Sanquhair, Viscount of Nith, Torthorwell, and Ros, Lord Douglas of Kinmonth, Middlebie and Dornock, constituting Sir David Nairne, secretary depute for the kingdom of Scotland, his procurator, to compear before the Queen's most excellent Majesty and resign the said titles of honour, of Duke of Queenberry &c. in the hands of the Queen, for a new patent of the same, to be granted back again to the Duke himself and to his heirs of entail to succeed to him in his fortune and estate of Queenberry. The said heirs of entail being always the descendants of the body of William, great grandfather of the granter, and first created Earl of Queenberry.
Dated 12 June 1706.

Be it known to all men by these presents, us, James, Duke of Queinsberrie, Marqueis of Drumfreishyre, Earle of Drumlangrig and Sanquhair, Viscount of Nith, Torthorwell and Ross, Lord Douglas of Kinmount, Middlebie and Dornock. For as much as for diverse good and weightie causes and eonsiderations moveing us, we are resolved to resigne in

* There is also at Drumlanrig an official extract of the Diploma of Duke, certified by Lord Charles Kerr, Director of Chancery.

favours of our selfe and our aires of taylzie after mentionat, our titles, honours, degrees, orders, and dignities, in maner under wryten : Therefor to have made, constitute and ordained, likeas we heirby make, constitute and ordaine Sir David Nairne, secretarie deput for the kingdom of Scotland, and ilk ane of them, coniunetlie and seuerallie, our lawfull and undoubtedt actors, faetours, procuratours and speciaill commissioners, for us, in our name and upon our behalfe, to compear before the Queen's most excellent Majesty or her royll suceessours any day and place laufull and convenient, and there with such dew humility and reverence, as becomes, purely and simply, by staff and bastoun, as vse is, to resigne, surrender, upgive, overgive and delyver, lykeas we by these presents resigne, surrender, upgive, overgive and delyver all and haill our said title, honour, degree, order and dignity of Duke of Queinsberry, Marqueis of Drumfreisshyre, Earll of Drumlanrig, and Sanquhair, Viscount of Nith, Torthorwell and Ross, Lord Douglas of Kinmont, Middlebie and Dornock, &c. with all and sundrie prerogatives, preheminencies, precedencies, privileges, liberties and immunitiess whatsomever pertaining and belonging thereto, in the hands of the Queen's most excellent Majestie, or her said royll successours, of whom the said titles, honours, degrees, order, and dignities are holdin, in favours and for a new patent of the samen to be made, granted and disponed back again to our selfe and to our aires of taylzie already nominat and appoyned, or to be nominat or appoyned by us, to succeed to us in our fortune and estate of Queinsberrie in all tyme coming, the said aires of taylzie being allwayes the descendants of the body of William great grandfather to us, the said James Duke of Queinsberrie, and first created Earle of Quenisberrie, to be holdine of her said Majesty and her said royal successours in such dwe and competent forme, as effeirs : provyding and declairing allwayes, lykeas it is heirby speciaillie provyded and declaired, and so to be provyded and declaired by the patent to follow heirupon, that the samen resignation shall be no wayes prejudiciale to us nor our forsaide aires of taylzie, named or to be named, of any of our formier titles, honours, degrces, precedencie, orders, dignities, and patents thereof, formerly granted to us and our predecessours thereanent : Acts, instruments, and doeuments, one or more, as neid beis in the [premises] to take and [deliver and seale], and thir presents be registrat [in the books] of councell and session or any other judges books competent, within the kingdom of Scotland, therein to remaine for conservation and for that effect we constitute our procurators. In witness whereof we have subscryved thir presents (wryten be Mr. James Craig, servitor to Sir Hew Dalrymple of Northberwick, Lord President of the session of Scotland), att London, the twelveth day of June, one thousand seven hundred and six years, before these witnesses, David, Earle of Glasgow, Sir David Dahrymple of Hailes, Advocat, and the said Mr. James Craig. (Signed) Queensberry, Glasgow, witness, David Dalrymple, witness, Ja. Craig, witness.

7. INSTRUMENT of Resignation following upon the said Procuratory, narrating that on the 17 day of June 1706 years, in presence of our sovereign Lady Anne by the grace of God, compeared personally Sir David Nairne, secretary depute for Scotland, as procurator constituted by James Duke of Queensberry &c., and there the said Sir David Nairne, with all due humility and reverence resigned the said James Duke of Queensberry's title of Duke, Marquis of Dumfriesshire, Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwell and Ros, Lord Douglas of Kinmount, Middlebic and Dornoek, in the hands of the Queen's Majesty, in favour and for new patent of the same to be

made to the said James, Duke of Queensberry himself and his heirs of entail. The said Resignation being accepted, the Queen immediately thereafter gave and granted the titles back again. The Instrument further bears that the resignation and regrant of the titles were done at Her Majesty's Court at Windsor Castle, in presence of Hugh, Earl of Loudoun, principal Secretary of State for Scotland, and Sir David Dalrymple of Hailes, Advocate.

8. DIPLOMA by Anne Queen of Great Britain, France and Ireland, and defender of the faith, on the preamble that her most trusty and well beloved cousin and councillor, James, Duke of Queensberry, Marquis of Drumfreisschyre, Earl of Drumlangrig and Sanquhar, Viscount of Nith, Torthorwell and Ross, Lord Douglas of Kinmount, Middlebie and Dornock &c., by himself and his procurators, in virtue of his procuratory of resignation of date the 12 June instant, had resigned the foresaid title, honour, degree, rank and dignity of Duke of Queensberry, Marquis of Drumfreisschyre [&c. as above], with all the prerogatives, preeminencies &c., into the hands of Queen Anne, in favour and for a new diploma of the same to be granted by the Queen to himself and his heirs of entail already named and appointed, or to be named and appointed to succeed in his estate of Queensberry, according to the dispositions and rights of entail of his said estate of Queensberry already made and granted, or to be made and granted, by the said Duke of Queensberry; provided always that the said heirs of entail be descendants of the body of William, greatgrandfather of the foresaid James Duke of Queensberry and first created Earl of Queensberry: Providing, declaring also that the same shall be no prejudice to the foresaid Duke and his said heirs of entail, of whatevcr former precedencies, titles, honours, &c. previously conferred by the Queen and her royal predecessors on the said Duke and his predecessors, as authentic instruments taken in the hands of a notary public bear witness. The Queen wishing not only to continue, but even to confer other marks of her royal favour on the said James, Duke of Queensberry, and his family, for the many remarkable and faithful services rendered to her royal predecessors by the said Duke and his predecessors, therefor *de novo* makes, creates and inaugirates the said James, Duke of Queensberry and his forsaid heirs of entail, male or female, already named (&c. as above), provided such heirs of entail be descended &c. (as above) Dukes or Duchesses of Queensberry, Marquises or Marchionesses of Drumfreisschyre, Earls or Countesses of Drumlangrig and Sanquhar, Viscounts or Viscountesses of Nith, Torthorwell and Ross, Lords or Ladies Douglas of Kinmount, Middlebie and Dornock; giving to them in all time to come the foresaid titles &c. with all prerogatives &c. belonging thereto or which belonged to the said Duke before the resignation, in virtue of the diplomas granted to him and his predecessors, whieh are hereby no ways innovated, but confirmed and amplified. To be held by them of the Queen and her royal successors for ever. Providing and declaring the present letters patent to be no wise prejudiciale to the said James, Duke of Queensberry and his foresaid heirs of entail of any prior precedencies, titles &c., in any way granted to the said James, Duke of Queensberry, and his predecessors, by the Queen and her royal predecessors. A clause follows that these letters patent shall be as valid to James, Duke of Queensberry &c. for enjoying the foresaid titles &c., as if he and his fore-saids had been inaugurated with all the solemnities and ancient formalities. The great seal is ordered to be appended, at the Court of Windsor Castle, 17 June 1706, fifth year of the Queen's reign. [Only the tag and part of the seal now remaining.]

HEAD SECOND.—Commission by King James the Seventh to William first Duke of Queensberry, to be Lord High Commissioner to the first session of the only parliament held by his Majesty in Scotland, in the year 1685: Also Instructions and Additional Instructions to the Commissioner.

9. COMMISSION by James, King of Great Britain, France and Ireland, which proceeds on the preamble that owing to considerations of great moment the King had caused a meeting of the three estates of his ancient kingdom (of Scotland) to be appointed to assemble at Edinburgh on the 9 April next, which had been afterwards prorogued to the 23d day of April; and the king himself being detained by affairs of high moment in England, was unable to be present in the first session of his parliament: Therefore he had resolved to commit the right and power of representing his sacred person to some most eminent man of very illustrious rank and proved fidelity and special qualifications; and having experience of the steady loyalty and singular endowments and fidelity of his most faithful and well beloved cousin and councillor, WILLIAM, DUKE of QUEENSBERRIE, high treasurer of Scotland, which qualifications render him most meet and proper for undertaking such an office, and for promoting the king's pious and royal designs, for furthering the weal and interest of the kingdom in church and state, and recalling to mind the high loyalty and zeal of the Duke towards his interest at the time of his Majesty's greatest difficulties; therefore the King bestows on him authority to represent his person and sacred Majesty, and to bear the royal authority in the first session of the parliament of his kingdom, and in all things concerning the good of the church, the peace and government of the kingdom &c. as the king's HIGH COMMISSIONER; with most full and ample power, and title of Commissioner, as fully and freely as the office was given by any of his royal predecessors. Further, the king confirms all things done by the Duke in his office of Commissioner, and charges all ministers of state, privy councillors, judges, and all subjects, and especially officers of the forces, to recognize and obey him in his office. The commission begins from the day of his departure from the royal presence, and lasts for the first session of parliament. The Commission not to be prejudicial to any other commission such as that of high treasurer committed to him, and these other commissions to last during the king's pleasure. The king commands the great seal to be appended, at the Court at Whytehall, 28 March 1685. A fragment of the great seal is still attached. At foot, "Per signaturam manu S. D. N. Regis suprascriptam."

Indorsed: "Written to the great seal and registrat 9 April 1685." (Signed) Jo. Grahame, Dept.

Subst. att Edinburgh, the 9 day of Aprile 1685, conform to ane order of his Majesties Privy Counsell. (Signed) Jo. Cunynghame.

Sealed at Edinburgh, the 22d day of April 1685. (Signed) Jo. Cunynghame.

10. INSTRUCTIONS to the Duke of Queensberry as Commissioner to the parliament of Scotland, 28 March 1685.

[On margin of the original in the Duke's handwriting, as are all the Marginal Notes: "The baill artikell with this × on the margin ar past as the Istruction beris."]

(Superscribed) James R.

Instructions to our right trusty and right entirely beloved cousin and counsellor, William, Duke of Queensberry, our commissioner for holding the first session of our next ensuing parliament of our ancient Kingdome of Scotland.

- × 1. You are to passe an act in favours of the Protestant religion and church.
- × 2. You are to endeavour the obtaining an Act containing an offer of lives and fortunes to us, to be commanded and employed by us, as wee shall think fit, and to stand by us and our interests upon all events, from sixty to sixteen.
- × 3. You are to endeavour the obtaining an act asserting our Prerogative over all persons and in all causes, in most ample form.
- × 4. You are also to endeavour the obtaining an act continuing the excise during our life, in the most effectuall and convenient manner.
- × 5. You are likewise to endeavour the obtaining of three months cesse over all the kingdome, to continue during the time of the current supply ; and both to be prolonged for five years after the five years last given : and the said three months cesse to commence, at Whitsunday in this present year of God 1685.
- × 6. You are to passe an act for making confessions before the justices probative to juries.
- × 7. You are to passe an act for allowing tryalls upon 24 hours against criminall prisoners for high treason.
- × 8. You are to passe an act for seuring ministers from violence or outrage, under certaine paines on the parishioners who doe not act for their help, whereof the application is to be referred to the Privy councell.
- × 9. You are to passe an act obliging masters to insert clauses of regularity, especially rising in armes, in all tacks in time coming, under certain paines ; and to answer for their tennants.
- arg't by
ng.
10. You are to passe an act for clearing the crimes of resett and inter-communing.
- × 11. You are to endeavour the obtaining an act making husbands lyable for the faults of their wifes, in the most effectuall manner, and in what easies.
- × 12. You are to endeavour the obtaining an act obliging witnesses, to depone in matters of treason, under the certifieation due to the crime for which the pannell is indicted.
- × 13. You are to passe an act defining the punishments of refusing the oath of allegiance, and ineluding therein the oath of prerogative, under any arbitrary punishment not reaching life or limb.
- × 14. You are to passe an act perpetuating intailes.
- × 15. You are to passe an act approving the actings of the kings ministers, officers, councellers and judicatures, and seuring them fully for their actings in his Majestys service, in most ample forme.
- × 16. You are to passe an act ratifying the forfeiture of the late Earl of Argile, and dissolving the surname of Campbell and MeAllan.
- ted.
17. You are to passe an act regulating the method of succeeding to estates, so as to secure creditors by obliging the successor, if he shall acquire the paternal estate, to pay the debts of the family.
- × 18. You are to passe an act for further security of the registrations, and preserving of records.
- t
mmand
abov.
19. You are to passe an act of generall pardon by command and indemnity, but bribery to be therein excepted.

- × 20. You are to passe an act for the more speedy inbringing of our revenues.
- × 21. You are to passe an act for making fines imposed or to be imposed, effectuall for our use, by summar adjudging a proportion of the criminals estate, and giving it to us, allowing still unto the person fined, the space of one year allenarly for redeeming the lands adjudged.
- × 22. You are to passe an act approving the narrative and discovery of the late horrid conspiracy.
- × 23. You are to passe an act for renewing the commission of the peace, and for appointing them to meet under paines, and to accept, as also to bring in their books quarterly to the councell, to the end their diligence may appear.
- × 24. You are to passe an act authorizing such as shalbe nominated by us to treat, consult and determine of such things as may unite the trade of the two nations ; and in the mean time renuing the sumptuary law, with all clauses needfull, as prohibiting wearing, &c.
- × 25. You are to passe an act appointing the mustering of the militia at such times as wee or the councell shall think fitt, and dispensing with yearly musters during our pleasure, as also disposing of their armes in the mean time.
- Laid assyd.
- 26. You are to passe an act for free coinage ; and giving to us in lieu thereof, one per cent. of all free money lying upon interest.
- Rejected.
- 27. You are to passe an act renewing and enlarging the laws for taking pledges.
- × 28. You are to endeavour the obtaining an act obliging all Protestant heretors to take the Test, and ratifying all that has hitherto been done in that matter.
- × 29. You are to endeavour to obtaine an act for discovering of wards to our officers (proper for that effect) under paine of the proprietors losing his ward lands for ever ; and for the tutors being obliged to refound, if the concelement was through his fault.
- Maney forfeited and the rest remitted to the justises.
- 30. You are to endeavour that the rebels now in prison, and such as are fled, be forfeited, to witt, all mentioned in our letter and list to the Privy Council, bearing date at Whitehall, the third day of this instant March.
- × 31. You are to passe an Act defining the diligence to be done by Sheriffs and other magistrates within and without their bounds, in the cascs of rebellion, disorders, appearance of rebels or disorderly persons, conventicles &c. and in what manner the heretors and commons shall rise, concur and pursue after such, give in intelligence of any conventicles, appearances of rebels, disorderly or vagrant persons, raise the country, follow and pursue, take, apprehend or kill them, inform magistrates or their respective landlords, or the landlords their superiour officers in the shire &c.
- × 32. You are to consent to an act for regulating the inferiour judicatures, and defining their several rights respectively, so as all debates amongst them for the future may be evited.
- × 33. You are to take speciall notice, and to give particular countenance and encouragement to all such as shall serve us faithfully and zealously in the ensuing session of parliament, and to give us impartial information of such as shalbe remisse in, or oppose our service in the same, and give us frequent and full accounts of affaires.

- × 34. In prosecution of the above written Instructions you shall suppresse all motions for carrying on any affaires in an unparliamentary way or method, that so the ancient, and laudable way may be entirely preserved in the ensuing parliament, and most especially in right of the Articles, which you shall suffer nobody to impugne or call in question ; nor shall you admitt of any thing to be brought into parliament in *prima instantia*, but that all things treated of in parliament be first brought in to the Articles, and be by them prepared and offered in parliament.
- × 35. You shall take care that no turbulent or factious meetings be kept or allowed off, especially before or in time of our parliament, and that you command our advocate to proccede against such (if any shall happen to be) beforc the competent judge according to law.
- × 36. You are to passe such acts for clearing old laws, and you shall give our consent to such new ones as shalbe offered to you for securing the private rights and properties of our subjects with relation to one another ; and such other acts as you with the adviec of the secret committee of our privy councell shall find for the good of our service.
- × 37. You are in all matters entrusted to you to advise with the said committee of our privy councell.
- 38. You are to endeavour the obtaining an act for making the exporation of passengers out of the kingdome of Scotland, without sufficient passes produced to the chiefe magistrate of the port from which the ship parts, a sufficient cause of confiscation of ship and loadning for our use ; as likewise the importation of any passengers and letting them goe from on board, untill first they shalbe examined and their princip[les] cognosseed by the magistrate of the place where the ship shall arrive, or by a privy counsellor, or a justice of the peace, who is to give the master of the ship an allowance to dismisse the passenger, if honest ; but if of ill principles, is to detaine him and advertise the privy councell in order to receive their commands concerning him : And in both cases the ship and loadning to be confiscated, and the informer to haue the fourth part, he proving his information.
- × 39. You are likewise to endeavour the obtaining an Act, declaring all preaching at conventicles in houses (as well as in the fields) to be death in the preacher, and banishment and great fines in the hearers and landlords, as also severe fines upon cities or townes where such conventicles shalbe kept.
- × 40. You are from time to time to adjourn the parliament as you shall find expedient.
- × 41. You are impowered to confer the honour of knighthood upon such persons as you shall find deserving of the same, not exceeding the number of six. Given under our royall hand and signett, at our court at Whitehall, the 28th day of March 1685, and of our reigne the 1st year.
 (Initialled) J. R.

By his Majestys Command.
 (Signed) J. Drummond.

Indorsed : Instructions to the Duke of Queensberry, his Majestys High Commissioner, 28 March 1685.

Additional Instructions, three in number, given under the hand and signet of King James, at Whitehall, 15 day of April 1685, and countersigned by the Earl of Morray as Secretary.

(Superscribed) James R.

Additional Instructions to our right trusty and right entirely beloved Cousin and Councillor, William, Duke of Queensberry, our Commissioner for holding the first session of our next ensuing parliament of our ancient Kingdome of Scotland.

- × 1. You shall give our Royal assent to a commission from that our parliament for plantation of kirks and valuation of teinds, according to the former custome in the like cases.
- 2. You shall endeavour to procure an act, diverting the money mortified by Moody for building a church (therie being no provision of a stipend for it) and applying the same to such publick or pious use or uses as our parliament shall think fit.
- × 3. You shall be carefull that an act be made for ratifying and confirming all decrets and sentences of forfeiture, past against any person or persons preceding this parliament.

Given under our royall hand and signet at our court at Whitehall, the 16th day of April 1685, and of our reigne the 1st year.

(Initialled) J. R.

By his Majestys command.

(Signed) Morray.

12. An ADDITIONAL INSTRUCTION given under the hand and signet of King James, 21 April 1685, for passing such acts as may be made advantageous for promoting the interests of trade and manufactures of Scotland.

(Superscribed) James R.

An additional Instruction to our right trusty and right entirely beloved cousin and councillor, William, Duke of Queensberry, our Commissioner for holding the first session of our parliament of our ancient kingdome of Scotland.

- × You shall passe such acts as you (with the advice of the secrett committee) shall think most advantageous for promoting the interest of trade and manufactures there. For doing whereof this shalbe your warrant. Given under our royall hand and signett at our court at Whitehall, the 21th(sic) day of April 1685, and of our reigne the 1st year. By his Majestys command.

(Signed) Melfort.

13. An ADDITIONAL INSTRUCTION on the right of Archbishops and Bishops to sit and vote in parliament. Given under the hand and signet of King James and countersigned by the Viscount of Melfort. 29 April 1685.

(Superscribed) James R.

An Additionall Instruction to our right trusty and right entirely beloved cousin and counsellor, William, Duke of Queensberry, our Commissioner for holding the first session of the current parliament of our ancient kingdome of Scotland.

- × Whereas it is the undoubted right and priviledge of the lords spirituall, namely, the Arch-Bishops and Bishops in that our ancient kingdome, to sitt, consult and vote in all parliaments and

conventions of estates there, to which by our royall authority they are or shalbe called ; and that, not only in matters civil or relating to the government, but likewise in matters criminall and processes against traitors or rebels. And if at any time they haue not voted to the condemnation of the guilty, that has proceded from their choice and not the want of authority to haue done the same. Therefore, it is our will and pleasure, that you suffer no diminution of these their just rights ; nor admitt of any debate either in Articles or parliament concerning the same. For doing whereof this shalbe your warrant. Given under our royall hand and signett, at our court at Whitehall, the 29th day of April 1685, and of our reigne the 1st year.

By his Majestys command
(Signed) Melfort.

14. AN ADDITIONAL INSTRUCTION to discharge all the voluntary offers of money made to the King by the severall shires and burghs in the respective circuits lately held. Given under the hand and signet of King James and countersigned by the Viscount of Melfort 4 May 1685.

(Superscribed) James R.

An Additionall Instruction to our right trusty and right entirely beloved cousin and councellor, William, Duke of Queensberry, our Commissioner.

It is our Will and pleasure, and wee doe hereby authorise and require you in our name to discharge all the voluntary offers of money that haue been made unto us by the severall shires [on margin And boroughs—Melfort] in the respctive circuits that were lately held in our ancient kingdome of Scotland ; and if any part thereof is already paid, it is our further pleasure, that the same be allowed to the persons respectivly by whom such payments haue been made, as a part of the supply granted unto us by our parliament there. For doing whereof this shall be your warrant. Given under our royal hand and signett, at our court at Whitehall, the 4th day of May 1685, and of our reigne the 1st year.

By his Majesties command.
(Signed) Melfort.

15. AN ADDITIONAL INSTRUCTION to pass an Act ratifying the privileges of the ordinary senators of the college of Justice. Given under the hand and signet of King James, and countersigned by the Earl of Morray as secretary, 12 May 1685.

(Superscribed) James R.

An Additionall Instruction to our right trusty and right entirely beloved cousin and councellour, William, Duke of Queensberry, our Commissioner.

You shall passe an Aet ratifying the priviledges of the ordinary senators of the Colledge of Justice, as the same were granted unto them by our royall predecessors (of blessed memory) and confirmed in former parliaments. For doeing whercof, this shalbe your warrant. Given under our royall hand and signett, at our court at Whitehall, the 12th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Morray.

16. ADDITIONAL INSTRUCTIONS, Six in number, to pass an Act warranting the justices to pursue in absence such persons as shall be excepted out of the act of indemnity. The marginal notes are holographs of the Duke of Queensberry, commissioner. Given under the hand and signet of King James, 14 May 1685, and countersigned by the Earl of Morray.

(Superscribed) James R.

Additionall Instructions to William, Duke of Queensberry, our Commissioner.

Nott to bee propoist, the Ackt off Indemnity being stoppt.

1. You shall passe an act of parliament warranting the Justices to persue in absence, such persons as shalbe excepted by us out of the act of indemnity.

Nott brought in till the King bee spock to.

2. You shall passe a law securing innoeent creditors in summes due to them by personall obligations, against the forfeiture of their debtors, for payment of twenty merks Scotts to the crowne, and twenty shillings Scotts to our clerk register for every thousand merks of principall summes so secured, at the time of the registration of the said obligation.

× 3. You are allowed to nominate commissioners for the supply, justices of our peace, commissioners for the commission for teinds and plantation of churches.

× 4. You are allowed to disjoine particular lands from one shire and to joine them to another at the request of heretors, and with consent of the sheriffs, where sheriffs are heretale.

× 5. You are to consent to such acts as the parliament shall find reasonable for adjusting the differences betwixt the Burghs Royall and those of barony and regality.

× 6. You are to consent (at close of the parliament) to the act salvo jure cujuslibet in common form.

For doing all which this shalbe your warrant. Given under our royall hand and signett, at our court at Whitehall, the 14th day of May 1685, and of our reigne the 1st year.

By his Majesties command

(Signed) Morray.

17. ADDITIONAL INSTRUCTION not to make use of the former Instruction relating to the Indemnity, seeing there has a new rebellion since intervened. Given under the hand and signet of King James, 25 May 1685, and countersigned by the Viscount of Melfort.

(Superscribed) James R.

An additional Instruction to William, Duke of Queensberry, our Commissioner.

× You are not to make use of that our former Instruction relating to the Indemnity, seing there has since a new rebellion intervened. And for your so doing, this shalbe a sufficient warrant. Given under our royall hand and signett, at our court at Whitehall, the 25th day of May 1695, and of our reigne the 1st year.

By his Majestie's command

(Signed) Melfort.

18. An ADDITIONAL INSTRUCTION to adjourn the parliament to the last Tuesday of October next to come Superscribed by the King. 25 May 1685.

(Superscribed) James R.

An Additionall Instruction to William, Duke of Queensberry, our Commissioner.

- x You are immediately to adjourne the parliament, and that to the last Tuesday of October next to come. For doing whereof this shalbe your sufficient warrant. Given under our royll hand and signett, at our court at Whitehall, the 25th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Melfort.

19. "COPPIE of INSTRUCTIONS returned to England." Three in number, 25 May 1685. The first Additional Instruction is to pass an act of parliament to allow a committee of parliament powers in reference to depending processes. The second is, to procure an act for forfeiting in absence persons who were actually in the rebellion. The third is to procure an act declaring persons suspected of rebellion to be dealt with. All these Instructions are dated 25 May, 1685. There is indorsed on the copy of them the following marking, holograph of the Duke of Queensberry as Commissioner:—"The principell Instructions wnder Lord Melforts hand returned (according to his Majesties command in a letter to the Secret Committee heirwith to bee keipt); the said Instructions being by the Secret Committee vnamously rejected as inconsistent with law, justeice and the Kings servis, and noin seamit moir off this opinion then the chancellour."

(Superscribed) James R.

Copie. Ane Additionall Instruction to William, Duke of Queensberrie, our Commissioner.

Yow are to passe ane act authorizeing a committie of parliament, with parlimentarie poure for that affaire allone, to judge in the process now depending before the parliment, to indure till the first day of Julie nixt exclusive ; or for any other tyme yow may think convenient for effectuating that matter. And for your soe doeing this shall be a sufficient warrant. Given under our royll hand and signett, att our court at Whitehall, the 25 day of May 1685, and of our reigne the first year. Sic subscrifitur.

By his Majesties comand
Melfort.

Copie. Ane Additionall Instruction to William, Duke of Queensberie, our Comissioner.

Yow are to indeavour to proeure ane act for forfeiting in absence al, who being ceited immediatlie by name, with the consent of parliment, for ther being actuallie in this rebellion or assisting thereto, and doe not apeare within 60 dayes or or any tyme to which they shall be ceited, as is [if] they wer actuallie guiltie of the perduellion for which they wer cited. And for your soe doeing this shall be a sufficient warrant. Given under our royll hand and signett, at our Court at Whitehall, the 25 May 1685, and if our reigne the first year. Sic subscrifitur, Melfort.

Copie. Additionall Instructions to William Duke of Queensberrie, our Commissioner.

Yow are to indeavour to procure ane act declareing that all such as being suspected of this rebellion, and shall be ceited to appeare betuixt this and the 1st day of June 1636 for that cryme, upon

60 dayes or any other convenient time, and shall not appeare, may ipso facto be forfeited in absence befoir our commissioners of justicarie, as actualy guilty of perduelion. And for your so doeing this shall be a sufficient warrant. Given under our royall hand and signett, at Whitehall, the 25 May '85, and of our reign the first year.

Sic Subscribitur Melfort.

20. AN ADDITIONAL INSTRUCTION, to give assurance of life to Campbells, elder and younger of Cesnock, if they confessed so that forfeiture might pass upon them. Under the hand and signet of King James and countersigned by the Viscount of Melfort. 28 May 1685.

(Superscribed) James R.

An Additional Instruction to William, Duke of Queensberry, our Commissioner.

Whereas wee are informed that Campbells, elder and younger of Cesnock, who for the crime of high treason were processed before our parliament of that our kingdome, haue now an inclination judicially to confesse their crimes, upon assurance given of their lives :—Wee have, therefore, thought fit hereby to authorise you to grant them our assurance of their lives upon condition that they shall so confesse their crimes as sentence of forfeiture may passe thereupon ; which sentence wee doe hereby warrant you to suspnd as to their lives and limbs allenarly. For doing whereof this shalbe your warrant. Given under our royall hand and signett at our Court at Whitehall, the 28th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Melfort.

21. AN ADDITIONAL INSTRUCTION for passing an act annexing to the crown for ever all forfeited estates. Given under the hand and signet of King James, 10 June 1685, and countersigned by the Earl of Morray as secretary.

(Superscribed) James R.

An Additional Instruction to our right trusty and right entirely beloved cousin and councellor, William Duke of Queensberry, our Commissioner.

You are, before adjourning this session of parliament, to passe an act annexing to the crown for ever, all forfeitures past in parliament, with such other forfeited estates as are yet in our hands, and are not disposed of under our royall hand, in such full and ample form as you shalbe advised by the lords of our Secret Committee, and has been formerly practiced in the like cases. For doing whereof this shalbe your warrant. Given under our royall hand and signett at our court at Whitehall the 10th day of June 1685, and of our reigne the 1st year.

By his Majesties command.
(Signed) Morray.

HEAD THIRD.—Twelve Official Letters by King James the Seventh addressed to William, first Duke of Queensberry, as Commissioner to the first session of the King's first parliament, and also to the lords of the Secret Committee of the Privy Council of Scotland. From 25 April to 3 August, 1685.

22.—(1.) King James the Seventh to William, Duke of Queensberry, Commissioner, dated 25 April, 1685. Countersigned by Viscount Melfort.

(Superscribed) James R.

Right trusty and right entirely beloved cousin and counsellor, wee greet you well. Whereas by our 25th Instruction to you as our commissioner, bearing date the 28th day of March last past, wee did authorise you to passe an act dispensing with the ordinary dayes of rendezvous appointed for our militia of that our ancient kingdome, and since that time have approved of a forme of an act to be passed in parliament for that effect; yet now taking into our royll consideration how much it imports us to haue nothing brought into parliament which wee may doe by our prerogative alone: We haue, therefore, thought fit to recall the said Instruction, and doe hereby require you, not to proceede upon it, more than if the same had never been given by us. For doing whereof this shalbe your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 25th day of April 1685, and of our reigne the 1st year.

By his Majesties command.

(Signed) Melfort.

[Address]: To our right trusty and right entirely beloved cousin and counsellor, William Duke of Queensberry, our Commissioner in our ancient kingdome of Scotland.

Below it the Duke wrote a holograph note in these words: "By this his Majestie recalls the 25 Instruction aboutt the militia &c."

23.—(2.) King James the Seventh to the Duke of Queensberry, commissioner,—further Instructions about the militia, also allowing prosecutions for treason on 48 hours. Dated 5 May 1685. Address as in 22 (1).

(Superscribed) James R.

Right trusty and right entirely beloved cousin and counsellor, wee greet you well. Whereas by a letter from the Secret Committee of date the 30th day of April last to our secretaries, wee doe find that before our letter of the 25th day of the said month came to you, you had according to our Instructions given to you as our commissioner promised in our name some thing relating to the militia, which the said letter of the 25th does incroach upon; Wee upon that consideration haue thought fit to recall our said letter of the 25th day of April last and all the contents thereof: Authorising and requiring you hereby to proceed upon our former Instructions to you as our commissioner, without any regard thereunto: The same being hereby declared void and null, to all intents and purposes. Wee doe also find by their other letter of the first of this instant, that you haue given our consent to an act allowing pursutes for treason on forty eight houres against such as are in prison; which wee doe hereby approve of, notwithstanding of any Instruction given formerly to you mentioning a shorter time. For both which, this shalbe your full warrant. And so wee bid you heartily farewell. Given at our

court at Whitehall, the 5th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Morray.

24.—(3.) King James the Seventh to the lords of the secret committee of the Privy Council of Scotland—to add George, Earl of Dunbarton, to the secret committee of the Privy Council of Scotland, 8 May 1685. Superscribed by the King and countersigned by the Earl of Morray.

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellor, right trusty and right welbeloved cousins and councellors, and right trusty and welbeloved councellors, wee greet you well. Whereas in consideration both of the eminent loyalty and great parts and experienee of our right trusty and right welbeloved eounsin, George, Earle of Dunbarton, we haue thought fit to adde him to the present number of the lords of the secrett eommittee of our Privy Councill of that our ancient kingdome: It is now our will and pleasure, and wee doe hereby authorise and require you to admitt and receive him into that our secrett committee, and to haue full power and priviledge of consulting, debating and voting in all matters whatsoever that are to be transacted therein, with the same freedome that is enjoyed by any of your number: He being always obliged to take the oath of secrecy, that is usually taken by your selves, at all times when our service shall require the same. For doing whereof this shalbe to you and him respcctively, a sufficient warrant. And so wee bid you heartily farewell. Given at our Court at Whitehall, the 8th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Morray.

[Address.] To our right trusty and right entirely beloved cousin and councellor, our right trusty and right welbeloved cousins and councellors, and our right trusty and welbeloved eouncellors, William, Duke of Queensberry, our commissioner, James Earle of Perth, our chaneellor, and the remanent lords of the secrett committee of our Privy Council of our ancient kingdome of Scotland.

Indorsed; Earle of Dunbartan.

25.—(4.) King James the Seventh to William, Duke of Queensberry, commissioner, dated 8 May 1685. Superscribed by the King and countersigned by the Earl of Morray. The full address of the letter is in the same terms as No. 22 (1) above.

Under the address the Duke of Queensberry adds in his own hand the following doequet: “By this his Majestie geivs his royll plesour about Earle Dunbartane his veuing his forses, maggazines &c.”

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellor, wee greet you well. Whereas by our warrant (of the date of these presents) we haue thought fit (for the good of our service) to authorise and require our right trusty and right welbeloved cousin, George, Earle of Dunbartan, with all convenient diligenee after his arrivall in that our ancient kingdome, to view and inspect all our standing forees there, whether horse, foot, dragoones or artillery, and our garrisons in our castles and forts, together with our stores and magazins and all things therunto belonging, in manner and for the purposes therein at greater length expressed; wee haue now thought fit to give you notice thereof and withall to authorise and require you to give all orders and directions

(if any further shalbe needfull) for his speedy and effectuall execution of our pleasure to him signified in those matters: Whereof wee doe expect a report from him with all possible diligencie, seing wee long to haue a perfect account of the true state and condition of our forces and others already mentioned, to the end wee may give such orders and directions concerning them, as wee shall (after the receipt of his said report) find needfull in matters of so great importance to our service. So wee bid you heartily farewell. Given at our court at Whitehall, the 8th day of May 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Morray.

26.—(5.) King James the Seventh to the lords of the Secret Committee of the Privy Council of Scotland, about a new test to be taken by all Protestant heritors binding to loyalty, abjuring the solemn league and covenants &c. Dated 11 May 1685. Superscribed by the King and countersigned by the Earl of Morray. Addressed in full as in No. 24 (3).

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellor, right trusty and right welbeloved cousins and councellors, and right trusty and welbeloved councellors, wee greet you well. Whereas by our 28th Instruction to our commissioner, bearing date the 25th day of March last past, wee did authorise him to procure an Act in this session of our parliament of Scotland, for obliging all Protestant heritors there, to take and swear the Test appointed by law; we haue now thought fit to ask your advice, whether it may not be more proper to haue another new oath made (with consent of our parliament) binding to loyalty and allegiance, abjuring the solemne league and covenants, defensive armes, leavyng of warr against us or our authority, with such other clauses as may exclude no loyall subject from taking thereof. Whether this, the Test aforesaid, or leaving both as they were before our giving the said Instruction may be most for our service, are what wee require your opinions in, with all convenient diligence; with your reasons for the same, to convinee us of our interest in the matter. The approbation mentioned in the foresaid Instruction of what has formerly been done in this matter, wee doe still think necessary for our service. So wee bid you heartily farewell. Given at our court at Whitehall, the 11th day of May 1685, and of our reign the 1st year.

By his Majesties command.
(Signed) Morray.

27.—(6.) King James the Seventh to the Duke of Queensberry as Commissioner—relative to the precedence claimed by the families of Lothian and Roxburgh, dated 11 May 1685. Superscribed by the King and countersigned by the Earl of Morray. Address as in No. 22 (1).

Under the Address the Duke has written the following doequet: “By this his Majestie geivs his royall plesor in the busines betuixt Earle Louthean and Roxburgh, then befoir the Artickels, and parteicoularly discharges his advocatt and other offishers compear against Roxburgh in itt.”

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellor, wee greet you well. Whereas wee are credibly informed that the Earle of Roxburgh and his predecessors, and likewise severall other earles of that our ancient kingdome, have been in the constant peaceable possession of

preeedeney before the Earles of Lothian above fifty years in parliaments, conventions and all other placees, untill of late that the deeeased William, Earle of Lothian did proeure a signature from our most dear and most entirely beloved brother of ever blessed memory, giving the aneient preeedeney of the family of Lothian to the deeeased countesse of Lothian. But his said Majestie, having been informed that the title and dignity of the first Earle of Lothian was by his patent provided to the heirs male of his body, and that these heirs male had failed, whereby the honour was extinet, and that the said Earle of Roxburghs predeessors and the other earles aforesaid had been created before the year 1631, at which time the late Earle of Lothian had aequiesced in the extinction of the former honours of that family, and proeured a new patent. Upon whieh eonsiderations our said most entirely beloved royall brother was pleased by his letter to discharege the passing of that signature; notwithstanding whereof, Robert now Earle of Lothian did procure a signature of the same nature, giving him the aneient preeedeney of the family of Lothian from the date of the first patent, whieh was extinet. And whereas our said most entirely beloved royall brother (not having been informed of the interest of the said Earle of Roxburgh or the other earles eoneerned, nor of his former letter) did direct another letter to the lords of session bearing date, at Whitehall, the 16th day of June 1679, wherein he did signify that upon a representation from the last Earl of Roxburgh of his interest, he did remitt the matter to the eourse of law, and did ordaine them to determine the preeedeney aecording to the just rights of the severall parties eoneerned, without considering his royall interest in it. And whereas, likewise, wee are informed that the Earle of Lothian hath lately presented a petition to you and the lords of the Artieles, still pretending to the preeedeney aforesaid. It is now our royall will and pleasure, and wee doe hereby authorise and require you to take eare, that neither our advocate or any other of our offeers shalbe allowed to objeet our royall prerogative to prejudge the rights of the said Earle of Roxburgh, or of the other earles first above mentioned, but that the whole matter relating to the preeedeney aforesaid, be left to be determined aecording to law, without regard to the said late signature. For doing whereof this shalbe your warrant. And so wee bid you heartily farewell. Given at our eourt at Whitehall, the 11th day of May 1685, and of our reigne the 1st year.

By his Majesties eommand

(Signed) Morray.

28. (7) King James the Seventh to the Duke of Queensberry as commissioner—to delay the pressing of the Test, dated 11 May 1685; Superscribed by the King and countersigned by the Earl of Morray. Addressed as No. 22 (1). Under the address the following holograph doequet has been added by the Duke of Queensberry as commissioner: "By this his Majestie orders to delay the ackt anent the Test, bott itt wes past and toutelit befoir itt came to my hands."

(Superscribed) James R.

Right trusty and right entirely beloved cousin and counsellor, wee greet you well. Whereas by our letter of the date of these presents to you and the rest of our seeret committee, wee have thought fit to require your and their adviee in the matter of the Test, as you will see therein more fully expressed; wee have also thought fit hereby to signify our royall will and pleasure, that you forbear to proceed upon that part of our 28th Instruktion given to you as our commissioner, whieh relates to the pressing of the Test in time to come, untill wee shall receive the

advice aforesaid and signify our royall pleasure to you thereupon. For doing whereof this shalbe your warrant ; and so wee bid you our heartily farewell. Given at our court at Whitehall, the 11th day of May 1685 and of our reigne the 1st year.

By his Majesties command,
(Signed) Morray.

29.—(8.) King James the Seventh to the lords of the secret committee of Privy Council, dated 25 May 1685. Superscribed by the King and countersigned by the Viscount of Melfort. Relative to the rebellion of the late Earl of Argyll and others, and the processes now before parliament. Fully addressed as in previous letters to the secret committee.

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellor, right trusty and right welbeloved cousins and councellors, and right trusty and welbeloved councillors, wee greet you well. Whereas the late Earle of Argile and those associated with him in this rebellion, have at last appeared upon, the west coast of Argile ; and that wee judge it expedient for our service, that the noblemen, gentlemen and burgesses, who are of this present parliament should have leave to goe home to doe what may be proper for them in our service according to their respective duties, wee haue thought fit to advertise you thereof ; that if you be of the same opinion this session of parliament may with all hast convenient, be ended : And for that effect, wee haue sent our Instruction to our commissioner to be used by you as shalbe hereafter mentioned. And because this adjournment may prevent the discussing of those processes now before our parliament there, if you think that a commission of parliament with a parliamentary power (of which number the commissioners of justiciary to be) might doe the same thing, especially if the parliament in any one instance sustain the slightest probation you haue, it would doe well to be a precedent for the committee ; and for this likewise (that no time be lost) an Instruction is sent to you in the same manner as the other. And because there are many heretors and others suspected to be with the rebels, or assisting to them, if it be fit for our service to haue an act of parliament, ordaining all such as for adherence to these rebels shalbe cited to appear within sixty dayes or any competent time you think fit, and doe not appear, shall ipso facto upon this occasion be forfeited ; and this law to continue only for such a short time as you may think most for our service, not exceeding the space of one year. For this there is a particular Instruction, but if this be not thought convenient by you to passe because of its generality, in that case if you think fit to restrict it to such as you can now name, and may cite before the adjournment of the parliament by name, wee haue likewise for this sent an Instruction to you. All which Instructions wee ordain to lye in your hands, till you consult of the fitnessse of them for our service ;—That if you judge them or any of them fit, you may deliver them to our commissioner ; if not, you may return them or any of them to our secretaries to be cancelled ; giving us the reasons why you judge them unfit, for our satisfaction in the matter. And since the time wee instructed our commissioner to passe an act of Indemnity this rebellion having interveened, wee judge it not for our honour to doe it now ; and therefore have instructed our commissioner accordingly. And if you find that the acts abovementioned relating to forfeitures may be inconvenient for our service, you are not then upon the aecount of processes to defer the adjournment of the parliament, but to continue the processes

in the most legall manner, and most seeure for our interest. For doing all which, this shalbe your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 25th day of May 1685, and of our reigne the 1st year.

By his Majesties command,
(Signed) Melfort.

30.—(9.) King James the seventh to the Duke of Queensberry as commissioner. To return to the parliament before the adjournment His Majesty's thanks to them for their loyalty &c. To forbear putting in execution the suppression of the surname of Campbell, 1 June 1685. Superscribed by King James and countersigned by the Earl of Morray. Addressed as before to the Duke of Queensberry as commissioner. Under the address the commissioner has written the following note with his own hand :—“ By this his Majestie orders his royll thanks to bee geivn the “ parliament befoir ther adjourment for ther loyalty exprest upon “ this occation, and recalls the Instruction discharging the surname off “ Campbell hearefter &c.”

(Superscribed) James R.

Right trusty and right entirely beloved cousin and councellour, wee greet you well. Wheras we have thought fitt for the good of our service, that this session of parliament of that our aneient kingdome be ended with all convenient speed, conforme to what wee have now ordered our secretaries to write in our name, to you and the rest of the lords of our secrete committee. It is our will and pleasure, and wee doe hereby authorise you, immediately before your adjourning our parliament (in pursuance of our Instruction lately sent to you for that effect) to returne our hearty thanks to them for their signall loyalty expressed in their humble offers made to us; and likewise that you assure them of our royll protection to all of them in generall, and to each in particular upon all occasions when it may be proper for us to expresse the same. And wheras wee doe not at this time think fitt to have our former Instruction to you concerning the suppression of the surname of Campbell putt in execution : wee doe hereby authorise and require you to forbear the same. For doeing both which this shalbe your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 1st day of June 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Morray.

31—(10) King James the Seventh to the lords of the Privy Council of Scotland, ordering a proclamation to be made against the traitor, Archibald late Earl of Argile, and those who have risen with him in arms in the present rebellion in Scotland, dated 16 June 1685. Superscribed by King James and countersigned by Viscount Melfort.

(Superscribed) James R.

Right trusty and right welbeloved cousin and councellor, right trusty and entirely beloved cousins and councellors, right trusty and right welbeloved cousins and councellors, right trusty and welbeloved cousins and councellors, right trusty and welbeloved councellors, and trusty and welbeloved councellors, wee greet you well. Whereas it is fit that a proclamation be forthwith issued by you there in our name, against the traitor, Archibald late Earle of Argile, and those who haue already risen, or hereafter shall rise with him in the present rebellion formed by him in that our kingdome ; wee haue now sent you the inclosed, to be published with all possible diligence, at the markett crosse of Edinburgh

and other places (with the due solemnities) usuall upon the breaking out of open and avowed rebellions there. For doing whereof this shalbe to you and all others respectively, who may be thererin concerned, a sufficient warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 16 day of June 1685, and of our reigne the 1st year.

By his Majesties command
(Signed) Melfort.

Address : "To our right trusty and right welbeloved cousin and counsellor, our right trusty and entirely belovd cousins and counsellors, our right trusty and right welbeloved cousins and counsellors, our right trusty and welbeloved cousins and councellois, our right trusty and welbeloved counsellors, and our trusty and welbeloved counsellors, James Earle of Perth our chancellor, and the rest of the lords of our Privy Councill of our ancient kingdome of Scotland.

32.—(11) King James the Seventh to the lords of the secret committee of the Privy Council of Scotland—relative to treating of such of the rebel prisoners as were to be sent to the kings plantations in America, and are so obstinate as not to own the king or his authority, to be stigmatized by having the one of the ears of every one of them cut off. His Majesty does well approve of the same. Dated 3 August 1685. Superscribed by the king and countersigned by the Earl of Morray, secretary. Address the same as 24 (3).

(Superscribed) James R.

Right trusty and right welbeloved cousin and counsellor, right trusty and entirely beloved cousin and counsellor, right trusty and right welbeloved cousins and counsellors, right trusty and welbeloved cousin and counsellor, and right trusty and welbeloved counsellors, wee greet you well. Whereas by your letter of the 30th day of July last past to our secretaries, you propose, that such of the rebels, now prisoners, whom you think fit to be sent to our Plantations in America, and are so obstinate as that they will not owne us nor our authority be stigmatised by having one of the ears of every one of them cut off; wee haue now thought fit to let you know that wee doe well approve of the same. And therefore doe hereby authorise and require you to take care that one of the ears of every such rebell as aforesaid, be cutt off before their being shipped in order to their transportation. For doing whereof this shalbe your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 3d day of August 1685, and of our reigne the 1st year.

By his Majesties command.
(Signed) Morray.

33.—(12) King James the Seventh to the lords of the Secret Council of Scotland. To inquire into the settlements which were made in favour of Lady Mary Cochrane, and her children, in reference to her application to be provided to the lands notwithstanding the forfeiture of her father-in-law, Sir John Cochrane, dated 3 August 1685, and addressed fully as before to the lords of the secret committee.

(Superscribed) James R.

Right trusty and right welbeloved cousin and counsellor, right trusty and entirely beloved cousin and counsellor, right trusty and right welbeloved cousins and counsellors, right trusty and welbeloved cousin and counsellor, and right trusty and welbeloved counsellors, wee greet you well. Whereas there is an humble application made unto us by Lady

Mary Cochran, representing that there wanted only a formality for her being secured in what was provided to her and her children by the contract of marriage with her husband, and therefore eraving that wee may be graciously pleased, notwithstanding of the late forfeiture of her father-in-law, Sir John Cochran, to dissolve the lands and others so provided to her and her children from our crown, in the next session of our parliament of that our kingdome. Wee haue now thought fit to signify our pleasure, that you make a full enquiry into the settlements that were made in favours of her and her children upon the said contract of marriage, and into the dates of their or any of their passing in the Exehequer, and through the seales; as also into the reasons of the delays (if any haue been) in expediting the same, with such other circumstances relating to this affaire as may give us a true information thereof. All which you are to transmitt to our seeretaries, to the end that upon a full eonsideration of the same, wee may declare our further pleasure therein. For doing whereof this shalbe your warrant. And so wee bid you heartily farewell. Given at our court at Whitehall, the 3 : day of August 1685, and of our reigne the 1st year.

By his Majesties command

(Signed) Morray.

HEAD FOURTH.—Fifteen private holograph letters by King James the Seventh to William First Duke of Queensberry as eommissioner to the first session of the parliament of the year 1685, from April to June of that year, during the sitting of parliament, ehiefly about Argyll's invasion.

34. (1)—The King to the Commissioner, sent by the Earl of Breadalbane, 11 April 1685.

St. James's April 11, 1685.

I could not refuse this bearer, the Earle of Breadalban, to write to you by him, he desiring me to do it. I beleue for the eountenane of it, he was willing I should do it, for he did not speake to me to say any thing in particular, only that I would lett you know I looked on him as one I beleued was ready to serve me, whieh I do. This [is] all I haue tyme to say now.

(Initialed) J. R.

For the Commissioner.

35. (2)—The King to the Commissioner. How to pass the act about religion, 16 April 1685.

St. James's April 16 : 1685.

I had not tyme by the last post to answer yours of the 10 : which came by the flying paequett, and have not much leasur now to do it, and therfore shall begin with that part on't, whieh eoneerns the act for religion. I see you are for passnig it in the very same words, were in that act, which past in my tyme there, for the security of the Protestant religion: but all the alteration I would haue in it, is, that only the words, and all aets against Popery, should be left out, and lett them be left out, for tho they signify but little in themselves, where you are, it might do a great deele of harme here. I haue charged Lord Morray to signify the same thing to you. I thought to haue sayd more to you, in answer to your letter, but am so tyred with the seuerall ceremonys of this day, that, I can only tell you I haue ordred two troops of dragoons downe to Carlile to look after those borders.

(Initialed) J. R.

For the Commissioner.

36.—(3.) The King to the Commissioner—First intelligence about the rebels &c.

St. James's, April 23 : 1685.

I haue only tyme to tell you, that I haue heard that a party of twenty dragoons, meetting with about 80: of the rebels, did not engage them as they ought to haue done, by whiche means these rebels gott away. I do no[t] heare who it was that commanded the dragoons. Lett it be enquired into, and if the matter of fact be true, such a faint-hearted, pitifull officer, must be severly punished. I have ordred the secretarie to give an account of some intelligence latly come from Holland, by whiche you will see the rebels designe to attempt some thing. Lett a company of Earl Mars regiment be sent to Sterling Castel to reinforce that garrison. I hope the magazin of meal is still continued there, as it was in my tyme. I intend sone to send Earl Dumbarton downe to you to give me an account of the true condition of all the forces there.

(Initialled) J. R.

For the Commissioner.

37.—(4) The King to the Commissioner—That the Scotch parliament had begun well, “and world be a very good presedent to the English one.” Original letter not initialed by the King as usual.

St. James's, May 3 : 1685.

I had last night your[s] by Gosfort, of the 29, by whom I see how well you and the parliament haue begun, which will be a very good presedent to the English one, and I make no doubt but that you will continu doing so, and ending well. I haue not tyme by this bearer, the Lord Glammes, to say much to you, it being neecessary that the instruction you sent for should be sone with you, and besids, I intend to dispatch Earl Dumbarton very sone, by whom I shall write at large to you. Only pray lett Duke Hamilton know I take kindly the motion you wrote me word he made in the Articles, for the aduantage of the crowne. I hope Captain English will be punished as he deserves for losing the prisoners. I had before I heard of that signed a commission for George Windram, for English his troop, and for Gosfort to be major.

For the Commissioner.

38.—(5) The King to the Commissioner. Lord Dumbarton sent to Scotland to inspect the military stores &c.

St. James's, May 8 : 1685.

I haue now giuen Lord Dumbarton all his dispatchesse, and haue charged him to speake to you of seuerall things, which would be to long for a letter, hauing intire confidence in him, and so refer to him for what I haue to say, only this I shall say to you myself, which is that you need not apprehend it, it is in any bodys power to do you ill offices with me. No body has gone about it, and if they had, it would only haue done them harme, and not you; therefore, feare nothing of that kind. On the other hand be not to jealous, and beware of such as under a pretence of making their court to you, improve or make storys of others to satisfy their priuat malice against others. I haue seen the mischeif such kind of people haue done here, to those they pretended to be freinds to. I haue discoursed at large to this bearer upon this and other subjects, so that I need say no more upon them. I intend to send Beckman downe sone after him, that no more tyme may be lost in securing the bridg of Starling, which is a very neecessary worke.

May 10. What is writen befor is of the date you see it, since when I thought[t] it better to keep this bearer till the Holland letters came, which was not till this day at none; which haue brought considerable intelligence, of which you will haue had an account by Gosfort, who will be some houers, I believe, soner with you, then this bearer, being the better horseman. What els I haue to say I reffer to him.

(Initialled) J. R.

For the Commissioner.

39.—(6) The King to the Commissioner—Intelligence received from Holland.

St. James's, May : 20 : 1685.

I haue only tyme to tell you that I send you by this bearer, Gosfort, on account of the intelligence, I receued this day from Holland by which you see how busy and undertaking the rebellious crue that was there, are. Besides Captain Gifford in a fift rate, who is already sayled, I haue ordred Captain Talbot in the Falcon, to go into the Frith to receue your orders. No care shall be wanting here to advertece you of what I know, and I am sure none will be wanting where you are, to do what is best for my service. Let the D : of Monmouth be prosecuted as well as the other rebels. Lord Dumbarton will be sone after this bearer with you.

(Initialled) J. R.

For the Commissioner.

40.—(7) The King to the Commissioner—the expedition from Holland to aim at Stirling.

St. James's, May 17 : 1685.

I keept this bearer, Captain Barkley, till this day to see what newse the Holland letters would bring, which only confirme that most of the fugitives of both nations, except the D : of Monmouth are gone with the ships, and that their cheef aime is at Stirling, but considering the good postur you have put things in, that is easier sayd then done. Things are, God be thanked, very quiat here, and I am confident the parliament will do their duty, as becomis them. This bearer will tell you all the newse of this place.

(Initialled) J. R.

For the Commissioner.

41.—(8) The King to the Commissioner—sending arms to Scotland, Argyll having touched at Orkney.

St. James's, May 19 : 1685.

I had yesterday the newse you sent to the Lord Argils hauing touched at Orkney, and am glad to find by the same letter from the secret committce that you haue put all things in so good a postur to receue the rebels. I haue ordred the arms and ammunition you sent for, to be gott ready to be sent by sea, which wind and weather permitting, will be sone with you. I have also ordred Captain Hamilton in the Kingfisher, a 4 : rate, to saile for the west of Scotland, to joyne the frigats, already sent thereth. I shall take the best care I can to secure the English borders. This bearer Lord Charles Murray will giue you an account of all things here, and besids I haue not tyme to say more, being just going to the parliament.

(Initialled) J. R.

I was glad to heare the sesse past so unanimously. I hope the parliament here will follow such good presedents as you have given them.

For the Commissioner.

42.—(9.) The King to the Commissioner. The “arch-rebell” Argyll landed at Dunstaffnage, and the King approves of the commissioner’s proceedings against Argyll.

Whitehall, May : 23, 1685.

I had yesterday morning yours of the 18: with the letter of the secret committee which gave an account of that arch rebell Argiles being landed at Dunstafnage, and the orders you had given upon it which I approve of. The secretary will give you an account of what has been done here, and a full answer to the secret committees letter. As for seyeral things are in your letter, I haue not realy tyme to answer them, only you need not feare, that any one can do you ill offices with me, nor has any one gone about to do it, which I find you are apprehensive of. I send downe this bearer L: Col : Maxwell, to go and serue with Duke Gordon, as aide de camp, or with any other that may haue to do with Argile, or any of the rebels, he being a good officer and ingenire. He will tell you all the newse of this place.

(Initialed) J. R.

For the Commissioner.

[The following manuscript note by the Lord Commissioner is written under the address] :—“The King by this approvs the orderes geivn heir upon Argylls landing, and assures me off favour and protection, and that my enemeis shall not prevaill against me, &c.”

43.—(10.) The King to the Commissioner. Sir George Lockhart had served the King well.

Whithall, May 25, 1685.

I haue now little tyme to my self and so shall answer such particulars of yours of the 18: which I did not in my last; and as you say, had some frigats been sent soner, Argile had neuer gott where he is; but at that tyme there was none ready, and the first that were, were dispatched as fast as they could. You will do well to lett Sir George Lockhart know I am very sensible of his seruing me so well as he dos, as he shall see when occation offers. As for what you propose concerning the two Sessnocks, and Arkendlas, you may promise any of them their lives, if they will confesse anything which may be of use. I shall not be surpris’d if any speake to me about Sir J. Cochrans forfitur, and the lady you mention might haue well spared the making so long a journay, and I do not thinke Lord Melford will interest himself in such an affaire. As I had writen thus far, Lord Murray shewd me a letter, he had of something Macnaghton had done in quitting Innverary after the manner he did, and a strong house hauing been giuen up by some of Lord Athols men in that country, which sure aught to be inquired into and severly punished, if true as is sayd; which is all I have tyme to say now.

(Initialed) J. R.

For the Commissioner.

44.—(11.) The King to the Commissioner.—To take care of the castle of Stirling, and also the town. Not initialled by the King.

Whitchall, May 28 : 1685.

This morning I had yours of the 24: and besids your letter (which you may be sure no body shall see) read all those which came from the Secret Committee, to which they will know my mind, from the seeretary, both as to what concerns Duke Hamilton, and all other things, to which I must refer you, hauing had so much to do, all this day that I haue not been able to haue writen so fully my self as I intended, and hope to haue tyme bettwenc this and Saturday next to answer seuerall particulars in your last letter. You will haue this by Lord Aran, who I

am sure will serue me very frankly. Aboue all things haue a care of securing Sterling, and lett there be so many troupes there, as to secure the towne, as well as castel, of the militia or others as shall be thought fitt by you on the place, and lett them fall to worke to throw up the earth, for the securing of the bridg, so sone as Major Beckman, the ingenere, shall be with you. I haue not tyme to say more. All things here go on very well.

For the Commissioner.

45.—(12.) The King to the Commissioner—to press Argyll and drive him out of the country.

Whitehall, May 31 : 1685.

By the last post I made the secretary write to you my mind how necessary I thought it was to presse Argile and to see to drive him out of the country before the winter. I am still of the same mind, but I would not haue that mistaken as to one point, for when I say I would haue him prest, I intend that should be done by Highlanders, and melitia, and what troupes may be had from Irland; but by no means would I haue the standing troupes go north of Sterling, for as long as you keep the West and South quiat, and keepe Argile from getting into Galloway, I thinke you will some (*sic*) master him, and I am apt to thinke his cheef designe is to gett thether, which he will endeavour without hindred by the arrival of some of the frigats. Sir Roger Strickland will be dispatched, as sone as is possible, and when Argile and his fellow rebels see so many men of war there, and heare how quiat all things are here, they will be very much dishartned. As for what you write concerning some forfiturs for Lord Dumbarton, when this rebellion of Argile is ouer, it will then be tyme, and not before, for me to dispose of any of the forfeited estats, and then he, Earle Dumbarton shall be provided for. As I had writen thus far, I receued yours of the 28; and by it see you had had myne by Maxwell, and God be thanked all thing hether to go on as well in parliament as I can desire, which you will heare of from others, and as to all that the Secret Committee haue writen about, the secretarys will lett you know my pleasur. I intended to haue answered the other parts of your letter, but haue not tyme now to do it, and can only tell you, you need not feare any ill offices can be done you.

(Initialed) J. R.

For the Commissioner.

46.—(13.) The King to the Commissioner, about Argyll's movements in the rebellion.

Whitehall, June 4 : 1685.

I had this morning yours of the 31 : of May, by a flying pacquett, and winds must haue been very crose, to haue hindered the frigats getting to their station. If they had been there, Argile would hardly haue ventured to land, in the west. I confesse, I cannot help thinking, tis only a faint he maks of landing at Largs, and that he does it only to draw Earle Dumbarton, as far as he can from Galloway, and then if the frigats do not come to hinder him, will giue him the slip and go along the cost with his ships and boats, and land in Galloway; by which means he may haue fower or five days tyme to be there, and haue the disaffected people come to him, before Earle Dumbarton can gett to him; for, if he lands at Largs, he must haue some deigne on Glasgow, and I do not thinke him strong enough for that. What els I haue to say you will know by the letter to the secret committee from the secretarys, and it will be a good recrut will come to you from Holland of the three Scots regiments. All things, God be thanked, are very quiat here. I haue a

fancy in my head, that if Argile should give Earle Dumbarton the slip, and gett some days before him into Galloway, that he may march into England, hoping to find some help there; if that should happen, Earle Dumbarton must follow him. A ship with fower or five thousand arms was taken by one of my frigats, which was agoing into Scotland, neare Poole in Dorsetshire, which will be a great disappointment to the rebels somewhere.

(Initialed) J. R.

For the Commissioner.

47.—(14.) The King to the Commissioner. Of necessity Argyll must fall. The Duke of Monmouth has sailed in a ship from Holland for Scotland with arms &c.

Whithall, June 10: 1685.

This morning I had yours of the 6: and another time send by a flying pacquett rather then expresse, for you see the person you sent was forced to send the letter on, he happening to be indisposed. I am glad that at last, some of the ships, are got to Lord Dumbarton, and I hope by this Argile's bussinese is done for him, for I make no doubt of his hauing been hard prest both by sea and land. You see I was in the right in beleuing his making a shew of landing at Largs was only a faint, his cheef aime being for Galloway, but now he has slipt the opportunity; and you see I was not in the wrong for to haue the standing troops continu in the west for keep[ing] that part of the country quiat, and of necessity Argile must fall, and I am still of the mind that Dumbarton with the standing troops should continu still in those parts; and now that we are masters at sea, you may haue men from Irland, if needfull, and weather permitting, will bc sone with you, but I should thinke 'twere hard Argils businesse were not done for him, without either of those helps. All things, God be thanked, continu very quiat here. I haue taken all the care I can to keep them so, the Duke of Monmouth, as they write from Holland, is sailed in a ship of 32 guns for Scotland, with some arms and ammunition. If he had designed for any part of England, I must haue heard of him by this. I aproue of the proposal you make of annexing the forfeited lands to the Crowne, as you will see by the Secretary's letter to the seeret committee, to whieh I must refer you to what els I haue to say.

(Initialed) J. R.

For the Commissioner.

48.—(15.) The King to the Lord Treasurer of Scotland. To find money for the payment of the three Scots regiments from Holland: The King will do well enough with the rebel Monmouth, and Argyll's busines will soon be done for him by Queensberry.

Whithall, June 15: 1685.

I have now so much businesse upon my hands, that I haue but little tyme to write to you, so that I must refer you to the secretarys letter to the seeret committee. Only this I must say, that there must be mony found for the paying of the three Scots regiments gone to you from Holland, which I hope will be with you before this getts to you, and then the other standing forces must be payd before any fees or pensions whatsoever, and I know it may be done, and expect it. I shall do well enough with the rebel Monmouth. The parliament here do their part, and I make no doubt that Argils businesse will be soon done for him by you.

(Initialed) J. R.

For the Lord Tresorier of Scotland.

HEAD FIFTH. Miscellaneous Papers specially connected with the first session of the Scottish parliament of 1685, to which William, Duke of Queensberry was Commissioner.

49. CONTEMPORARY M.S. "Coppie Minuts of Parliament holden at Edinburgh, 23 Aprile 1685." This "coppie" appears to be substantially the same as in the printed Acts of Parliament Vol. VIII. as edited by the late Mr. Thomas Thomson, Deputy Clerk Register.

Bound up with these copy Minutes is a record of the proceedings 24 April 1685 "At the Artikles." These separate Minutes extend from the 24 April to the 16 of June 1685, and contain Notes of the Debates in the course of the preparation of the Acts by the lords of the Articles.

The lords of the Articles were like the lords of the Secret Committee of the Privy Council, a very important governing body of selected members something like cabinet councils of the present day. Their proceedings materially moulded all the business brought into parliament. As this parliament of 1685 was a historical one, and was in the main guided by the two eminent lawyers, Sir George Mackenzie, then created Viscount Tarbat and Sir George Mackenzie, Lord Advocate, and Sir George Lockhart, the eminent Lord President of the Court of Session, and other able lawyers, the record of their proceedings in reference to the prosecutions of the Earl of Argyll and others who had joined in the rebellion of that year appear to be of sufficient interest to introduce them into this Report.

24 Aprile 1685. At the Articles.

The draught of ane Act, ratifying former Acts in favours of the church and the Protestant religion, being prepared and read was voted and approven to be offered to the parliament.

A former Act of parliament for settynge orders in the parliament house being read, it was thought fitt that the clerks of Privy Councill, the clerk of the Justice Court and the sheriff deputs of the shire of Edinburgh be added to these allowed be that Act to stay in the parliament house; and appointed that the records of parliament be searched for any other Acts to that purpose against the next meeting of the Articles.

Warrant given to his Majesties advocat to raise processes of forfaul-
ture before the parliament against the Lairds of Cessnock, elder and
younger, Sir William Scott, younger of Hardin, the Laird of Park Hay
and the Laird of Arkinlas, and that the Lord Register and his deputs
give out the summonds against these persones.

It is thought fitt that it be intimat at the next meeting of parliament,
that any persones who are pursued for treason before the parliament
shall be allowed to raise summonds of exculpation, when they shall
desire the same, and warrant given to the Lord Register and his deputs
clerks of session, to give out under their hands these summonds of
exculpation, where the same shall be allowed by the parliament or Lords
of the Articles.

In regard there are occasions, which require the meeting of the Lords
of the Justicairie, it is thought fitt to be offered to the parliament at
their next meeting, that dispensation may be granted to them, for them
to meet and proceed in processes depending before them, notwithstanding
of the sitting of parliament; and likewayes that the Lords of
Exchequer may be authorised to meete, and that it be declared that any

commissions granted by the Lords of Session for examination of witnesses may be prosecute during the sitting of parliament, and that the Lyon be allowed to keep his courts.

A motion being made by his Majesties advocat anent the relaxation of personnes pursued criminally before the parliament, it is remitted to the Viscount of Tarbett, the President of the Session, his Majesties Advocat and Sir George Lockhart, to meet and consider what they find in the records of parliament relating to this case.

In regard some difference is like to fall out betwixt the Constable's Guard and the foot company which keeps guard in the parliament close ; remitted to Generall Dalzell and Collonell Dowglas to meet with the Earle of Erroll and to consider former practises in this case to adjust any difference or report.

The Articles appointed to meete upon Monday next at nine a'clock.

27 Aprile 1685.

The draught of a letter to the King in answer to his Majesties gracious letter to the parliament, being prepared by the committee appointed to that effect, and severall times read, and some amendaments made therein, was putt to the vote and approven to be brought in to the parliament.

The draught of an Act of parliament, offering to his Majestie our lives and fortunes for maintenance of his sacred person and government and his successors, and offering the Excise to his Majestie, his aires and successors, and annexing the same to the crown, being read, the offer foresaid contained in the Act being putt to the vote was unanimously approven and remitted to the Lord Tarbet, President of the Session, the Advocat and Sir George Lockhart to meeete and consider how the Act shall be worded.

The Articles appointed to meet to morrow morning at eight a clock precisely.

28 Aprile 1685.

The Act of the 13 of May 1662 anent the orders of the House being read, appointed that it be taken in and intimat in parliament with this addition, that the clerks of Councill, clerk of the Justice Court, and the sheriff deputes of Edinburghshire, are allowed to stay in the House, and that by a posterior order of the House in the years 1663 and 1669 none is admitted to sitt or be present with the Articles but the members of the Articles and clerks.

The Act concerning the Excise being agane this day read was putt to the vote, and approven to be offered to the parliament.

There being a petition given in for the Lairds of Cessnock, elder and younger, and Park Hay craving warrant to advocates to consult and appear for them and warrant for summonds of exculpation and freedome of prison, and another petition being given in to the same purpose for John Weir of Newtoun, warrant was given to the advocates condiscended on in the petitions to consult and appear before them, and it was declared that by freedome of prison allowed to the petitioners is meanted, that their friends and lawyers may have free access to them, and communication with them, without the hearing of uther personnes.

The Lords of the Articles doe find that his Majesties Advocat is not holden to give a list of the witnesses he is to adduce to the personnes endyted for treason before the parliament.

It is thought fitt to be proposed to the parliament, that summonds of exculpation be allowed to such personnes as are processed criminally

before the parliament, but that they be appointed in the bills to be given in for the same, to condiscend upon the grounds of exculpation, and that the King's Advocat sie the bill.

Recommended to the Duke of Hamilton, the Earle of Tweeddale, and the Lord Tarbet to meet with the Earles of Erroll and Marischall, and to adjust any difference betuixt them in relation to their offices and priviledges thereof, and particularly anent the keeping of the key of the Inner House doore.

29 April 1685.

The draught of two Acts explaining the 9th and 10th Acts of the parliament 1669, concerning prescription and interruption, being brought in and read, the consideration thereof continued untill the next meeting.

The draught of ane Act anent Tailzies being prepared and read, the consideration thercof continued, and copies appointed to be given thercof to such members of parliament as shall desire the same.

A petition given in by the Earle of Lothian anent his precedency being read, the Earles of Strathmore and Roxburgh appointed to see and answer the same against Tuesday seven night.

Lord Neill Campbell appointed to see the petition given in by the Lairds of McDowgall and Rasay, and to answer the same on Tuesday next.

The Lord Commissioners Grace nominats and appoints the Archbishops of St. Andrews and Glasgow, the Duke of Hamilton and the Earle of Tweeddale, Sir George Lockhart and Sir William Bruce, the commissioners for Linlithgow and Dunbartoun, and the officers of estate as supernumerary, to meet and consider of ane Act to be past for regulating the collection of the Excise granted to his Majestie by the parliament.

30 April 1685.

The draught of ane Act being read declareing that Inhibitions and Interdictions being execute at the mercat croce of the head burgh of the shire shall be sufficient, albeit the lands ly witlin a regality or uther jurisdiction. After debate was by vote laid asyde.

The Act anent Tailzies being this day againe taken in consideration, after debate it was committed, and his Majestie's Commissioner did nominat the Duke of Hamilton and the Earle of Tweeddale, the Bishops of Edinburgh and Dunkeld, the President of the Session, Forret, Balcaskie, and Sir George Lockhart, the Provost of Edinburgh and Sir Patrick Murray, to meet and consider that Act and what amendaments are fitt to be made therein, and to report, and the officers of state to be supernumerarie, and that they meete to morrow afternoone.

The draught of ane Act concerning citations in processes for treason, being brought in and read, was voted and approven to be offered to the parliament.

The draught of ane Act anent witnesses in cases of treason and conventicles refusing to depon, being read and voted and approven, to be brought into the parliament.

First of May 1685.

The Earle of Lauderdale upon his desire allowed to see the petition given in by the Laird of Pittarro, untill the next meeting of the Articles.

The draught of ane Act, concerning the resetting and intercommuning with rebels, being read, continued untill the next meeting that it may be further considered.

Sir George Lockhart allowed to consult and plead for Madam Brisbane in the process pursued by her against the Earle of Leven before the parliament, if he please.

The Bill given in by the Lairds of Cessnock, elder and younger, for ane exculpation, being read, the consideration thereof continued untill the next meeting.

4th of May 1685.

The Lord Tarbet did make report to his Majestie's Commissioner and the Lords of the Articles, that the Committee appointed to consider of ane Act for regulating the collection of the Excise, having mett, and finding that by the Act past in this parliament, the Excise is appointed to be collected in maner prescribed in the Act of parliament 1681, and that be that Act his Majestie has the power of appointing collectors for inbringing of the Excise, the Committee conceaved that there remained nothing to be done by the parliament in relation to the ordering the collection of the Excise.

The proclamation of the Councill anent quartering, founded on the Kings letter, appointed to be considcrcd.

The draught of ane Act appointing that all clerks of courts should be notars, being brought in and read, it was putt to the vote if the Act should be rejected or not, and it was carried in the negative; and thereafter the Act was restricted to the clerks of sheriff, commisser, stewart and regalitie courts and the clerks of burghs royall and of regality and delayed to be past untill it be further considered.

Ane overture being made, that for preventing the prejudice the lieges may sustaine by the loss of their principal seassings, that the nottar who takes the seasing be holden to give to the party two authentick instruments of seassing, and that when the seassing is registrat one of them be left as the warrand at the register, which is to be considered.

The draft of ane Act read, ratifying the priviledges of the ordinarie senatours of the Colledge of Justice, and all Acts made thereanent, and particularly the 8th act of the 2d session of the 2d parliament of King Charles 2d, anent their immunitie from publick burthenes. The Act appointed to be made more breiffe in the narrative and to be brought in.

Ane Act for clearing resett and intercommuning with rebels, being read and debated, it was remitted to the President of the Session, his Majesties' Advocat, the Justice Clerk and Sir George Lockhart to meet in the afternoone, and to consider how that Act shall be worded and to bring in the same to morrow.

It is remitted to the same committee to consider the bills given in for exculpations, if the same should be granted or not, and if these persones can have summonds of exculpation, who are not in prison and doe not find caution to compear.

The committee nominat to consider the Act anent Tailzies appointed to meet in the afternoone.

The cash-keeper appointed to see the petition given in by the heretours of the shire of Argyle for a valuation in that shire, and to answer tomorrow.

Vpon the Laird of Pittarro his petition, warrand given for citation of the Earle of Lauderdale and uthers against the twenty of this instant.

5th May 1685.

Vpon consideration of the Report of the Committee concerning exculpations, that part of the Report anent the granting warrand for summonds of exculpation in favours of these pursued for treason, who are in prison, approven; and accordingly the pectitions given in for the Lairds of Cessnock, elder and younger, John Weir of Newtoun and the Laird of Ardkinlas were granted; and as to the other part of the Report anent exculpations in favours of these who are not in prison but are absent albeit not denounced, the consideration thereof continued.

His Majestie's Advocat protested that the granting warrand for the saids exculpations doe not import ane acknowledgement of the relevancie of the grounds of exculpation; but that he may be heard to debate, when the processes of treason shall come in, why these exculpations ought not to be sustained.

The draught of ane Act, ratifying the scntences of the Justices against Porterfield of Duchall, was read, and the process whereupon that sentence proceeded being producqd, and the Interlocutour, verdict of the Assise, and sentence with the quere given in by his Majestie's Advocat to the Lords of Session, and their answer thereto, being all read, after some debate, resolved that the Act be considered till tomorrow.

The draught of ane Act, anent husbands being lyable for their wives withdrawing from the ordinances, being read, after some amendaments made therein, was approven and appointed to be offered to the parliament.

The draught of ane Act declaring judiciale confessions in cascs of treason emitted before the Commissioners of Justiciary to be probative, being read and debated, was approven to be offered to the parliament.

A petition given in by Mr. James Eleis against the Earles of Cassilis and Lothian and the Laird of Brodie, was appointed to be given up to them to see and answer tonorrow.

Mr. Alexander Sheills, prisoner, being called before his Majestie's Comissioner and the Lords of the Articles, was examined, and did owne the declaration emitted by him before the Lords of Justiciarie, and that he rave his subscription from his abjuration of the late and treasonable declaration of warr.

A warrand given to his Majestie's Advocat to raise a process of treason against the said Mr. Alexander Sheills before the parliament, to compear upon Wednesday come eight dayes being the thirteenth of this instant.

6 May 1685.

The Act ratifying the sentence of forfalture pronounced by the Justiccs against Duchall, being this day again read, was amended and thereafter being voted was approven to be offered to the parliament.

The draught of ane Act brought in declaring the taking of the covenant or owning of the same, to be treason, being read, was approven and appointed to be offered to the parliament.

The Lord Commissioners Grace nominats and appoints the Arch-Bishops of St. Andrews and Glasgow, and the Bishop of Edinburgh, the Duke of Hamilton, the Earles of Mar and Tweedale, the President of Session, Sir George Lockhart and Sir William Bruce, the Comissioners for Aberdeen, Linlithgow and Dumbartoun to meet and to consider what Acts or overtures are fitt to be offered concerning trade and the Mint and the officers of state to be supernumerarie in this committee.

The draught of ane Act anent the disposall of vacant stipends being read, it was remitted to the foresaid committee for tradc and mint to be considered by them, and they are appointed to meet in the afternoone.

The Lord Commissioners Grace nominats the Earles of Strathmore and Sonthesque, the Bishops of Dunkeld and Breichen, Forret and Balcaskie, the Commissioners for Glasgow and Dumfermling, to meeete and to draw a commission for regulating the inferior Judicatures, and the officers of State to be supernumerarie.

The Lords Justice Clerk, Forret and Balcaskie appointed be way of precognition to examine the witnesses to be adduced by his Majestie's Advocat in the processes of treason pursued by him before the parliament.

Vpon a petition given in by the Earle of Strathmore concerning the debate betuixt him and the Earle of Lothian for precedency, remitted to the Arch-Bishop of St. Andrews, the Duke of Hamilton, the President of the Session, and the provest of Edinburgh, to hear the parties consider the matter in question betuixt them and to Report.

7th May 1685.

Ane Act brought in, ordaining that preachers at house and field conventicles and these present at field conventicles shall be punished with death, being read, was appointed to be considered by the Lords of the clergy, till the next meeting.

Ane Act for the more effectual payment and inbringing of his Majestie's rents and revenues being read, was approven to be brought in to the parliament.

Ane Act oblidging personcs to accept offices being read, was approven to be offered to the parliament.

The Act concerning Tailzies, being brought in by the committee, to whom the consideration thercof was remitted, and read, was approven to be offered to the parliament.

Ane Act concerning Justices of peace being brought in and read, appointed to ly in the clerks hands, that any member of parliament who desires may see the same.

Ane Act approving the sentence of forfaulture against the late Earle of Argyle being read continued till to-morrow, and the clerk of the Justice Court appointed to have the register in the house to morrow morning from seven to nyne a clock, that any member of parliament, who desires to see the register, wherein that process is recorded, may see the same.

8th May 1685.

The Report of the Committee concerning the difference betuixt the Earles of Strathmore and Lothian for precedency being read, was approven and appointed to be brought in to the parliament.

The Act approving the forfeiture of the late Earle of Argyle being read again this day was approven and appointed to be brought in to the parliament.

The Act against preachers at house and field conventicles and hearers at field conventicles was read, and being amended was past to be offered to the parliament.

The President of the Session added to these who were appointed to examine be way of precognition the witnesses adduced in the processes of treason before the parliament.

The Act concerning confessions in cases of treason before the Commissioners of Justiciarie being read and amended, approven to be brought into the parliament.

Ordered that the committees appointed by Majestic's Commissioner and the Lords of the Articles meeete this afternoone, to morrow in the forenoone and upon Monday in the forenoone, the Lords of the Articles not being to meeete untill Monday in the afternoone, and that the first person nominat on each committee doe conveen the committee.

The process at the instance of Madam Brisbanc appointed to be seen by the Earle of Levin's procurators.

Elevinth of May 1685.

The Act concerning Tailzies being again this day read, after debate was laid asyde untill it be further considered.

The Act anent vacant stipends being read, it was remitted to be considered by the committee to whom the same was formerly committed.

An Act approving the sentence of forfeiture against Hamilton of Monkland being read and the process before the Justices and probation led therein being produced, read and considered, the Act was putt to the vote and approuen to be offered to the parliament.

The Act anent Justices of peace being again read several times and debated and amended, was voted and approuen to be brought in to the parliament.

12th of May 1685.

Ane Act explanatorie of the Act of parliament 1669 concerning prescriptions being read was voted and past the Articles.

Ane Act explanatorie of the Act of parliament 1669 anent interruptions being read and amended, was voted and past the Articles.

Ane Act offering to his Majestie a new supply of 216000 lib, during the continuance of the fyve moneths cess imposed by the parliament in anno 1681, and four moneths cess termly thereafter during the King's lifetyme, being twice read was voted and past the Articles to be brought in to the parliament.

It being moved by some members, that to the end the supply granted to his Majestie may be the more effectuall, and the burthen equally laid on all, a committee might be nominat, his Majestie's Commissioner did nominat the Arch-Bishops of St. Andrews and Glasgow and the Bishop of Edinburgh, the Duke of Hamilton, the Earles of Marr and Tweeddale, the President of the Session, Sir George Lockhart and Sir William Bruce, the commissioners for Linlithgow, Glasgow and Dumfermling, to meet and consider what overtures shall be proposed in this affair and to report, and the officers of state appointed supernumerarie, and that they meet this afternoone.

The draught of ane Act appointing the test to be taken by all Protestant heretours, liferenters and others mentioned in the Act, being read, after some amendaments made therein, was putt to the vote, and approuen to be offered to the parliament.

The petition of the Earle of Lothian for precedency being read, which was appointed to be answered this day, and the parties called, the Lord Commissioners Grace and the Lords of the Articles appoyns Thursday next in the forenoone for hearing of that matter, and ordaines both parties in the meantime to produce any writs they found upon, or will make use of in the clerks hands, that the other party may see the same.

The process at the instance of Mistris Brisbane against the Earle of Levin appointed to be heard before the Articles upon Thursday afternoone.

Vpon a petition given in by the Viscount of Tarbet for stopping a way going by his house at Roystoun, it is the opinion of the Lords of the Articles that warrand be granted to the Lords Collintoun, Reidfoord, Sir John Foulis, Sir William Hope and Sir John Young, to consider and determine in that matter.

There being againe double elections returned from the shire of Air, viz. one in favours of the Laird of Blair and the Laird of Craigie, and the other in favours of the Laird of Blair and the Laird of Collenc, the consideration thereof remitted to the committee for contraverted elections.

13 May 1685.

The Lord Commissioners Graee did nominate the Arch-Bishops of St. Andrews and Glasgow, the Earles of Strathmore and Southesque, the President of Session and Sir Thomas Stewart of Balcaskie, and the commissioners for Aberdeen and Glasgow, to meete and consider the whole affaire of Thomas Moodie's mortification for building a Kirk in Edinburgh, and what hes been done therin, and to report, and the Bishop of Edinburgh to be present at this committee.

Ane Act approving the sentence of forfaulture against Mr. Robert Baillie sometyme of Jerriswood being read, and the process and probation taken therein being produced and read, the Act was voted and passed the Articles to be offered to the parliament.

The process of forfeiture against the late Earle of Argyle and probation therein being read, the Act approving the sentence of his forfeiture was againe read and past the Articles and brought in to the parliament.

The Lord Justice Clerk and Sir William Bruce added to the Lord Tarbet for considering the petition given in by the Lairds of M^odowgall and Roray against Lord Neill Campble.

14 May 1685. Ante meridiem.

The Earle of Lothian and the Earl of Roxburgh being called, and their Advocats, at length heard upon the petition given in by the Earle of Lothian for precedency and the writs produced being considered by the Lords of the Articles, it is their opinion that the desire of the petition should be refusied.

Eodem die A meridie.

The process at the instance of Madam Brisbane against the Earle of Leven being called and the parties advocats heard, remitted to the Arch-Bishops of St. Andrews and Glasgow, the Earles of Mar and Tweedate, the President of Session and Sir George Lockhart, Sir Patrick Murray and the Provost of Glasgow, to meet and to consider that wholl matter and to Report.

Vpon a petition given in by the Laird of Edzell anent the title of the Earle of Crawford, warrand given for a citation against the Earle of Crawford upon ten dayes.

The petition given in by Mr. James Eleis of Stenlopmylnes against the Earles of Cassills and Lothian and the Laird of Brodie being called, the parties appointed to be readie to answer the first meeting of the Articles in the next week.

15 May 1685.

The Report concerning the Earles of Lothian and Roxburgh being read, appointed to be brought in to the parliament.

A petition given in for the Colledge of Glasgow, remitted to the Committee appointed to consider the Act anent the vacant stipends.

18 May 1685.

His Majestie's Commissioner adjournes the Articles untill to morrow at four a clock in the afternoone.

19 May 1685.

Warrant given to his Majestie's Advoeat to raise a process of treason before the parliament against the Duke of Monmouth for his accession to the rebellion and riseing in armes of Archibald late Earl of Argyle.

Sir Patrick Home, Walter Pringle and Mr. William Fletcher compearing gave in defences against the endytment given to the Lairds of Cessnock, elder and younger, which were given up to his Majestie's Advoeat to see and answer.

Sir John Coehrane being thrice called and not compearing his Majestie's Advocat declared he insisted on that Article of the lybell against him, anent his demanding of money for supplying the late Earle of Argyle, a declared traitor, which article of the lybell being read and considered, it is the opinion of the Lords of the Articles that the same is relevant to inferre the pain of treason : his Majesties Advocat declared he insisted also on that article of the lybell separatim anent the conspiracie, and his concealing and not revealing of the same, it is the opinion of the Lords of the Articles, that the same is relevant separatim to inferre the pain of treason.

Witnesses being led for proving the first article of the lybell anent the contributing money, and the same being considered by the Lords of the Articles, it is their opinion that the said article is proven.

The Advocats compearing for Hay of Park, Ardkinlas and Wier of Newton, appointed to give in their defences against to morrow at eight a clock in the morning.

The draught of ane Act anent vacant stipends being read and amended, was voted and approven to be offered to the parliament.

20 May 1685.

His Majestie's Advoeat declared that for proving that article of the lybell against Sir John Cochran anent the conspiracie and plott, he made use of the principall deposition of Mr. William Carstairs and adduced Sir William Paterson and Mr. Coline McKenzie, clerks of Council, to prove that he owned the said deposition before the Council, and adduced also Commissarie Monro as a witnes, and for further admiring of the probation produced, the process pursued against the said Sir John before the commissioners of Justiciary and the roll of the fugitives, of whom the said Sir John is one.

The Lords of the Articles having considered the probation adduced, it is their opinion that the article of the lybell anent Sir John Cochran's accession to the conspiracie and his concealing and not revealing of the same is proven.

Eodem die, A meridie.

His Majestie's Advoeat declared he insisted against Sir Patrick Home of Polwart, George Pringle of Torwoodlie and the aires of Mr. Robert Martin, who being thrice called at the barr and the utter doore of the parliament house and none of them compearing, and that article of the

lybell against them anent the conspiracie being read and considered, it is the opinion of the Lords of the Articles that the same is relvant to inferre the paine of treason.

His Majestie's Advocat for proving the lybell did adduce the Laird of Philiphaugh, the late Earle of Tarras and the Laird of Gallascheills, who were examined.

21 May 1685.

The draught of ane Act approving the discoverie of the late treasonable plott by the secret Committee, and the narrative thereof being twice read, the narrative and the papers and instructions whereon the same is founded were appointed to be putt in one of the clerks hands, that any member of parliament who desires may have inspection thereof until the next meeting of the Articles.

The draught of ane Act, ratifying the priviledges of the ordinary senators of the Colledge of Justice, being twice read, was voted and approven to be brought in to the parliament.

The draught of ane Act for taking the oath of alledgeance and asserting the royall prerogative being twicc read was voted and approven to be offered to the parliament.

The petition of the Laird of Pittarrog against the Earle of Lauderdale and others being returned with the executions of the citation thereon, ordained to be given up to the Earle of Lauderdale, with the writts produced for instructing the same to see and answer with conveniencie, and in the mean time warrand given to the Lord Register, to search for the grounds and warrands of the decreet 1661, recovered by the Earle of Dundee against Pitarro craved to be reviewed.

The draught of ane Act for inbringing of the fynes imposed for his Majestie's use being read, delayed untill it be further considered.

A petition given in for the Lairds of Cessnock, elder and younger, being read, delayed to give answer thereto, untill the process against him come in.

The Lady Melvills petition in behalf of her husband refused.

The Laird of Saltoun's petition refused.

22 May 1685.

The Act approving the narrative of the conspiracie, being this day again read, was voted and approven to be brought in to the parliament.

The draft of ane Act ratifying a proclamation of Councill for apprehending traitours being read, remitted to the Lord Tarbet, Prcsident of the Session, the Justice Clerk, Forret, Balcaskie and Sir George Lockhart, to meet and to consider further that Act, and what is fitt to be amended therein and to report.

25 May 1685.

The Report of the Committee concerning the state of that affair of Thomas Moodies Mortification being read, remitted back to the same committee to consider for what use that money may be best and most advantagiously employed, and to report their opinion therein.

The Act anent Tailzies being read, it was appointed to be amended and the Act with that amendment thereof to be brought in against the next meeting.

The draught of ane Act for preservation of the game, being read and amended, was approven to be offered to the parliament.

The draught of ane Act against stealing and resetting of doggs and haulks, being read and amended, was approven to be brought in to the parliament.

Recommended to the Lord Tarbett, President of the Session, Advocat, and Sir George Lockhart, to meet and consider that Act anent the inbringing of fynes imposed for the King's use, and the Act for apprehending traitours, and to report.

Remitted to the Committie appointed to draw the commission for regulation of Judicatures, to consider how the abuses committed by messengers at armes in executing their offices may be remcided and their fees regulate.

The Act concerning Tailzies being amended was read, voted and approven to be offered to the parliament.

The draught of a Commission for plautation of Kirks and valuation of teinds being read, appointed to ly in the clerks hand untill it be considered and compared with the former commission.

The process of treason against John Weir of Newton being called, his advocates were appointed to give in their answers to the lybell once this night.

Thomas Stewart of Cultnes being thrice called and not compearing, the lybell against him being read and considered was found relevant complcxedly.

The depositions of the witnesses adduced for proving of the lybell being considered, the lybell was also found proven.

The draught of ane Act read approving the sentences of forfaulure given against those in the late rebellion 1679 by the Commissioners of Justiciarie, the Act appointed to ly in the clerks hands, and the processes of forfaulure whereon these sentences proceeded to be seen by any member of parliament who shall desire the same untill the next meeting.

27 May 1685.

The draught of ane Act disjoyning some lands in Perthshire and Fife and joyning them to the shire of Kinross, of consent of the sheriffs of Perth and Fife, being read, was approven by the Lords of the Articles.

After debate the lybell against John Wier, of Newton found relivant, as it was qualified by his Majestie's Advocat, as the minuts of process beares.

The witnesses adduced for proving of the lybell being called, and it being objected against three of them, that they had deadly feede and hatred against the pannell, the Lords of the Articles before answer declared they would try the matter of fact anent the veretie of the objections, and it being desired by the pannalls advocates, that in regard the witnesses they are to adduce for proving the objections are with the King's host, that dispensation may be granted for their absence and a tyme allowed to bring them in; they were appointed to bring in their witnesses against Tuesday next, and dispensation granted for the absence of any of them who are with the host untill the fifth of June.

30 May 1685.

Recommended to the President of the Session, Advocat and Sir George Lockhart, to meet and consider the Act for bringing in of the fynes, and to prepare the same against the next meeting.

The draught of ane Act for a Commission of Trade, being read and considered, was approven to be brought into the parliament.

The draught of ane Act ratifying the 12 Act of the Parliament 1681 anent trade and manufaturie, with a reference to the Councill being read, approuen to be offered to the parliament.

The draught of ane Aet continueing the method of collecting the excise for three moneths after the first of August next, being read, approuen to be offered to the parliament.

An Act anent the militia read and approuen to be brought in to parliament.

First of June 1685.

The draught of ane Act ratifying the opinion of the Lords of Session anent these whe owne or refusise to disowne a late treasonable declaration of warr, being read, was approuen to be brought in to the parliament.

Ane Act approving citations before circuit courts by messengers or sheriff officers, approuen to be offered to the parliament.

Ane Act appointing masters of ships to present passengers who are not of the ship company before the next magistrat, being read, approuen.

The Act concerning the militia being read, continued untill the next meeting of the Articles.

Ane Act for security of ministers being read, the consideration thereof continued untill the next meeting.

Ane Act ratifying the former Acts of parliament anent the punishment of the resetters of traitours and rebels, and a proclamation of councill of the 8th of July 1682, was read and approuen to be offered to the parliament.

Ane Act concerning Ajudications for fynes imposed or to be imposed for resett and church irregularities, being read approuen to be brought in to the parliament.

The draft of a new commission for plantation of kirks and valuation of teinds being read, the consideration thereof continued till tomorrow, and particularly these clauses thereof anent granting prorogations of tacks for augmentations already granted, and if the liberty of buying teinds should be of teinds valued or not valued.

Ane Act for sowing of peese and beanies, and against the cutting up and burning of ground, being read, was laid assyde.

Ane overture given in anent the crying up of the money being read was laid assyde.

Ordered, that where processes were raised and depending before the last parliament and not determined that warrant be granted for new citations therein, and accordingly a citation granted at Abdens instance against the Laird of Pitrichie.

The Commissioner for Dumbartoune named to be on the Committee for regulation of Judicatures in place of the Commissioner of Dumfermling, in regard of his absence.

A petition was read, given in by the town of Edinburgh. in relation to Thomas Moodie's Mortification, craving that the same might not be inverted, but the money applyed for the use to which it was destinate by the defunct. After debate that matter was laid assyde without passing any vote.

Second of June 1685.

The draught of the Commission for plantation of Kirks and valuation of teinds, being again read and amended, was putt to the vote and approuen to be brought in to the parliament.

Ane Act made anent a clause to be insert in tacks granted to tennents for their living regularly, was approven to be offered to the parliament.

The Earle of Kintore, the Bishop of Edinburgh, Forret and the Provest of Aberdeen nominate and appointed to revise any ratifications, which are or shall be given in to be past in this parliament.

A petition given in by the burgh of Inuerneis for continueing a smal imposition for the use of their bridge granted.

Ane Act past in favours of the Bishop of the Isles to be brought in to the parliament.

Ane Act anent citations and warnings in the King's causes being read was laid asyde.

The Earles of Erroll and Marischall nominat in place of the Earles of Strathmore and Southesque to be upon the Committee for regulation of inferiour Judicatures.

The process at the instance of the Laird of Edzell against the Earle of Crawford continued till to morrow.

3d of June 1685.

The process of treason at the instance of the King's Advocate against Mr. Robert Ferguson being called, and he not compearing, the lybell was sustained relevant, and the witnesses being examined, the lybell found proven as the minutes of process beares.

The Act concerning the militia being againe brought in and read, the same was approven to be offered to the parliament.

Anc Act for poll money being read was voted and approven to be offered to the parliament.

Ane Act anent the modefyng the prices and charges of messengers being read, voted and approven.

The Act approving the narrative of the plott being againe read, it was voted that the same should be brought in againe to the parliament.

Eodem die, A meridie.

Ane Act for security of the ministers of the gospell being read, the consideration thereof continued till to morrow.

Ane Act indemnifying the officers of state and uthers therein named being read, continued till to morrow, and recommended to the Lord Tarbet, Advocat and Sir George Lockhart, to adjust the wording of the Act in the meantime.

An Act for reduceing the anwelrent to fyve per cent. during the King's life, being read was delayed.

Ane Act concerning registrations being read, remitted to the President of the Session and Sir George Lockhart to adjust the matter betuixt the Lord Register and the Clerks of Session, his deputs, anent the office of clerkship to these registrations.

Ane Act for security of the Records, being read and putt to the vote, was approven to be brought in to the parliament.

The process at the instance of the Laird of Edzell against the Earle of Crawford being called, and the parties advocats heard, the adviseing of the cause continued untill to morrow.

4th June 1685.

The Act for security of the ministers of the gospell being againe this day read, was voted and approven to be offered to the parliament.

Ane Act for security of the officers of state and uthers therein named being read, was voted and approven to be brought in to the parliament.

Ane Act in favours of the Viscount of Tarbet, dissolving his lands therein mentioned from the shire of Ross and annexing them to the shire of Cromartie. And also the Lord Advocat's lands mentioned in the said Act being read, was approuven.

A petition given in by the Countes of Lauderdale in behalfe of the Earle, her husband, being read, the petition given in by the Earle of Southesque and Pittarro craving the process depending at their instance against the said Earle to be remitted to the Lords of Session, was laid asyde.

The fyfth of June 1685.

The process of treason against the Lord Melvill and David Montgomerie of Lainshaw being brought in, and they being thrice called and not compearing, and the Advocat having insisted joynly on these two articles of the lybell against the Lord Melvill viz.: his corresponding with the rebels, and 2dly his accession to the conspiracie, the lybell was found revelant and the lybell against Lainshaw anent his accession to the conspiracie was likwayes found relevant.

Vpon consideration of the probation against the Lord Melvill, both articles of the lybell were found proven.

Vpon consideration of the probation against Lainslaw, the lybell also found proven.

Warrant given for a citation at the instance of James Hamilton of Maner Eleistoun against Mr. John Eleis.

Eight of June 1685.

The process at the instance of the Laird of Edzell against the Earle of Crawford, being this day taken in consideration by the Lords of the Articles, concerning the title of Earle of Crawford and the precedencie due thereto, after debate the process was laid asyde.

A petition being read, given in by the Earle of Southesque and the Laird of Pittarro, and after debate that point being putt to the vote, if a commission or warrant should be granted to such of the Lords of Session as are members of Parliament, to take the depositions of witnesses to be adduced by the petitioners in that matter, to ly in retentis, least the probation perish, it was caried in the negative that such a commission or warrant should not be granted.

The Act for security to the persones and goods of the bishops and ministers of the gospel, being againe brought in and read, was approuven to be offered to the parliament.

Ane Act anent planting and inclosing being read, approuven to be brought in to the parliament.

Nynth of June 1685.

A petition being read, given in by the children of Sir William Primerose, desireing that in respect he was so affected with a palsie as he was not able to goe about his affaires, that some persones might be authorised to manage his estate and uplift his rents, the same was granted.

A petition given in by in Pittenweyme, anent the making of black beere, being read, remitted to the councill.

Ane Act for encouraging of the Greenland fishing, being read, was voted and approuven to be offered to the parliament.

Ane Act concerning registrations and the clerks of Session being read was putt to the vote and approuven to be brought in to the parliament.

The draught of ane address from the parliament to the King's Majestie against the late Earle of Argyle, being read, the consideration thereof continued untill to morrow.

The endytment of treason against the Lairds of Cessnock, elder and younger, being called, and the paunalls being brought to the barr, and compearing with their advocats, after the lybell was read they gave in their defences, which being read his Majestie's Advocat declared he insisted on the second article of the lybell anent the pannells accession to the conspiracie being art and part thereof, and concealing and not revealing the same; which being considered, that article of the lybell was found relivant, notwithstanding of the defences proponed against the same which were repealed.

10 June 1685.

Ane Act being brought in in favours of the Royall Burrows and read, it was remitted to the Earle of Tweeddale, the Lord Tarbet, the President of the Session, Sir George Lockhart and any of the Commissioners of the burrows that pleases, to meet and adjust that Act to be brought in againe to the Lords of the Articles to morrow.

Ane Act for encouraging of fishing, being read, laid asyde.

Ane Act anent measuring of myles, being read, agreed to be past.

His Majestie's Advocat having proposed that Sir George Lockhart may be ordered to assist him in debating of the process of treason, depending before the parliament, against the Lairds of Cessnock, elder and younger, it being of importance; and Sir George, having alledged that he could not plead for or against any partie conveened before the parliament, in regard he is a member of parliament, and does represent a shire, for whom he is commissioner, and the said Sir George being removed, the Lords of the Articles repelled the alledgeance proponed by him, and found that he may be appointed to assist his Majestie's Advocat in this process, likeas the Lord Commissioners Grace in his Majestie's name did command the said Sir George upon his alledgeance to concurr with the Advocat in the foresaid process.

The Lairds of Cessnock, elder and younger, being called, after debate some interlocutours were given as the minuts of process beares.

11 June 1685.

The address of his Majestie against the late Earle of Argyle, being againe read and amended, was approven to be brought in to the parliament.

Ane Act anent escheits of personnes denounced for fanaticall disorders being read was voted and past to be offered to the parliament.

12 June 1685.

The proces betwixt Abden and Pittravie remitted to the Lords of Session to be determined by them, notwithstanding of any dependence before the parliament.

Ane Act for weighing of bear and male being read, the materials of the Act was aproven, and his Majestie's Commissioner did nominat the Earle of Erroll, the Bishop of Edinburgh, Sir George Lockhart, Sir William Bruce, the commissioners for Aberdeen and Linlithgow, to meet and to adjust any thing to be further done in that affaire, and to consider any proclamations of Councill relating thereto, and also anent the making of malt, and to report.

Ane Act reduceing the conversion of fewdewties of the estate of Argyle being read was voted and approven to be offered to the parliament.

The draught of a commission for regulation of the Inferiour Judicatures being read was voted and approven to be brought in to the parliament, and the nomination of the commissioners left to the King's Majestie.

Ane Act for sowing of peese and beanes in the shire of Aberdeen being read was voted and past to be offered to the parliament.

The two Arch-Bishops, the Earles of Erroll and Tweeddale, the President of the Session, and Sir George Lockhart, the commissioners for Aberdeen and Glasgow, and the officers of state as supernumerarie, appointed to meet and adjust the affaire betwixt the burghs royall and the burghs of regalitie and barronie.

Ane Act ordaining execution of summonds and letters against the inhabitants of Orkney and Zetland to be upon fourty dayes, being read, voted and past to be offered to the parliament.

Sir Hugh and Sir George Campbell's of Cessnocks compearing at the barr did confess in maner mentioned in their confessions under their hands, and declared they came in his Majesties will for the crime lybelled against them; and his Majestie's Commissioner did signify that they having voluntarily emitted the said confessions and comed in his Majestie's will, he had warrant from his Majestie to give them assurance of their life, they renewing their confessions before the parliament, that sentence of forfeiture may pass against them.

13 June 1685.

His Majestie's Advocat desired that point to be cleared anent the relevancie of the lybell against the Lord Melvill, it being by mistake minuted that both articles of the lybell were found relivant joyntlie, whereas he insists that they may be sustained relivant separatim viz., that anent his corresponding with rebels, as also the uther anent his accession to the conspiracie, which being considered by the Lords of Articles they found the saids articles of the lybell relevant separatim.

The Act for weighing of beare and meale being againe brought in and read the same was putt to the vote and approven to be offered to the parliament.

The Advocate beside the probation already adduced, did this day adduce the Lairds of Cessnock, elder and younger, as witnesses for proving that article of the lybell anent the Lord Melvill's accession to the conspiracie, who were examined as their depositions beares.

15 Junc 1685.

Ane Act rescinding the 27 article of the Act of parliament 1672, anent the regulation of Judicatures, being read, was voted and past to be offered to the parliament.

Ane Act brought in for remitting the processes of treason depending before the parliament to the Commissioners of Justiciarie being read was putt to the vote and past.

Ane Act annexing the lands of forfaulted persones to the crown being read was voted and approven.

The Act reduceing the conversion of the ancient fewduties of the estate of Argyle having been formerly past the Articles, a clause was subjoyned thereto annexing the same to the crown, which being read was approven, and the Act appointed to be brought in to the parliament.

A petition being given in by the Earle of Southesk and Laird of Pittarро craving a warrand to examine witnesses condiscended on, to ly in retentis in the process at their instance against the Earle of Lauderdale, the petition appointed to be given up to see and answer tomorrow at nyne a cloik.

A petition given in by the towne of Dalkeith for a continuation of a small custome formerly granted for repairing two bridges near that towne, granted.

The like granted for the bridge of Gulletts.

The like granted in favours of the Laird of Dun for the North-Water bridge, with the same limitations in favours of the adjacent heretours, which were in the former Act, and particularly with the immunity granted to the lands then belonging to the Earle of Northesque, now to the President of the Session.

16 June 1685.

The Act for encouraging the Greenland fishing being read was appointed to be brought in againe to the parliament.

Ane Act in favours of the Bishop of the Isles being read was approven to be offered to the parliament.

Ane Act annexing to the crown the offices that belonged to the late Earle of Argyle being read was voted and past to be brought in to the parliament.

The petition of the Earle of Southesque and the Laird of Pittarро, with the answers thereto given in by the Lord Maitland being read, the desire of the petition craving that some witnesses might be examined to ly in retentis, refused.*

50. "ABREUIATE of the Lords Commissioners Instructions and Acts of Parliament," with remarks as to the delay of certain Acts owing to rebellions, &c. 1685.

51. "OBSERUES on his Majestie's Instructions to the Commissioner on the 12 of June 1685." Indorsed by Queensberry as Commissioner. These observations "Maid by the Lord Tarbitt in presence of the secret councill."

52. PAPER ENTITLED "Abreviate of the probation taken by way of " precognition against sone of the pannalls perssewed befor the " parliament." The Duke of Queensberry as Commissioner has written this note on the Abbreviate : "The being in some things defecteiv is to " bee supplyt bee S^r Rob^t Coul^t, who, as on off Majesty's solicitors, wes " present att the said precognition and got me this abreviatt thereoff."

53. "BAND by the shire of Lanerk submitted by the King's Advocate, 1684." Indorsed by the Duke of Queensberry as Commissioner as follows : "This is a just double off the Boind prest upon the Glasgow " districk by the Lord Melfort, and condemit by the S^r: Com. (as ther " Instructions bear) being contrar to Law, and a thing wez " impracticabl."

Wee under subscribers, noblemen, heretours and others within the shire of Lanerk, for testifying our deep sense and dewtie to our most

* The Lord Commissioner has written with his own hand on the first page of the "Coppie Minuts of Parliament" 1. "In the Minuts I fynd nothing about the Bp. voiting in criminall caies, which I remember wes doon, and is nou to bee helped. This is ordert by the 4th Instruction." "2. Discharg off the voluntar supply nott hear mentiond, which wes lyckwys doon and is ordert by the 5 Instruction."

sacred soveraign, the King's most excellent Majesty, and from our abhorrence of rebellion and rebellious principles, irregularities and disorders, and to evidence our firme and constant resolutions to adhaacre to his Majestie and his aires and laufull suceessours their interest, and to contribut our outmost endeavours to employ our lives and fortunes for his security and peace of the government, and to the extirpation of every thing that may tend to the disturbing thereof, wee bind and oblige us and ilkauc of us, for ourselves, our families, tennents, subtenments, cottars, and servants, that wee and they shall live regularly and orderly according to the Acts of Parliament, and shall not connive at any disorder, bot to the outmost of our power shall repress the same, by taking and delivering the offenders to justice (if in our power) and shall give timely notice to the next magistrat or officer of his Majestie's forces, and shall assist and eoncurr with them for taking and apprehending any fugitives, vagrant preachers, or such as resett, assist and mantain any such; and that wee shall not harbour, resett or mantain any rebels, fugitives or intereomuned persons, nor suffer any such to be upon our ground or estates; and furder, we and ilk ane of us bind and oblige us for our selves, our families, tennents, subtenments and cottars, to duly and orderly and ilk Sunday frequent our owne paroeh churchees, unless we have ane reasonable excuse to imped us therefrom; and shall partake of the Holy Sacrament of the Lords Supper when ever the occasion offers, unless we be able to give satisfaction to our ministers of our present unfitnes to partake of that holy ordinance; and such of our tennents, cottars, servants or others liveing upon our lands and heretage as shall refuse to partake of the said holy sacrament, without a reasonable excuse to satisfie the ministers, as said is, and shall be eomplained of to us by our ministers, wee shall deliver up their persones to the ordinary magistrats to be punished according to law (if in our power) or shall remove them from our lands and heretages, and that wee shall not baptize nor mary but with our owne ministers without their allowance; and wee bind and oblige us and ilk ane of us to performe the premisses and every part thereof, under the paines and penalties due to such crimes as wee shall connive at; and we shall behave ourselves as becometh loyall and faithfull subjects, by declareing and discovering what may tend to the disquiet of the kingdom or disturbance of the peace thereof any maner of way, and that wee shall not rise in armes against his Majesty or his authority, his aires and laufull successours, bot shall defend the same with our lives and fortunes; and as a further evidenee of our loyaltie and sincerity in the premisses, wec hereby bind and oblige our selves, our aires and successors, to payin to his Majestie's thesaury, or any who shall be appointed to receive the same for his Majestic's use, three moneths cess yearlie over and above the cess imposed by the current parliament, and that for two years payable at two termes in the year, Mertimas and Whitsunday, be equall portionis, beginand the first termes payment being one moneth and halfe moneths cess at the terme of Mertimas nixt, and swa furth to continue termly ay and while the expiration of the saids two years, and wee are content and consents that all diligence pass against us for inbringing thereof as may pass against us for the cess imposed by the said parliament; and consents to the registration hereof in the books of his Majestie's Privy Councill or any other books compitent, to have the strength of ane decret interponcd thereto, that letters of horning for imbringing thereof and others executoiriells needfull may be direct hereon in forme as effeirs; and constituts,

Our procuratours &c. In witness whereof thir presents (written by John Robertoun, clerk in the said shire).

54. MEMORANDUM for the Lord Clerk Register Tarbet in reference to his care of the Records of Scotland, and proposed increase of fees of office, 1685.

Memorandum for the Register.

Your Grace will I hope give some account of my diligence and fidelity, particularly since July 1684.

That Clerk Registers in the parliaments where they had vast gaine had alwayes tokens of his Majestie's favour, albeit some did yeeld severall thousand pounds sterlin to them, and this hath not yeelded 200 to me.

That the addition to my perquisit will not exceed 150^{lb} per annum, and my care of the records is doubled. Besides that the records which were never in order nor secure, are now both for the future; and I have putt bygones which were in a totall confusion, to order both for the King and peoples use, and have found therby many writts of the highest importance.

That the joining my baronry to the shyre of Cromarty is a favour was never refus'd to any, and in which none can possibly be concerned, tho it were in ane heritable shirrefship. Earl Midlton and the parliament 1662, did take of a whole shyre viz. Rosse from Inernes in favours of Seafort at my single desyre; so was Cathnes and Sutherland formerly taken of it but for little parcels to accomodat privat subjects. I am the first it was ever refused, and if any had suffered so much trouble and losse by beeing in on shyre with the Earl of Seafort, they would have complained lowder, when wec have been quartered on whole half yeares for his deficiency, and are so to this day.

Since the Earl of Seafort complaines that he was neglected in the comand of the councell and imputes that to me, he is in the wrong, for his commission to bring out his 400 men was on of the first sent by the councell, and the cheef man beeing to comand the regiments, and the next to command the horse and heritors, since he commanded the foot he could not be mentioned in the proclamation, which was issued but for the second rank of comanders, the comanders of the regiments beeing formerly ordered, and this was the Earl of Murrayes mistake also in the Lord Duffus matter.

But for my part I was so litle ambitious to comand any others men, that I did break my regiment in three to please others.

In the matter of the mint, I referr to my proposall, but the generals office most be discharg'd and the comission to be in place of it, but use only Sir John Falconer's name in the proposition.

If gifts be goeing mind your faithfull servant as yow think fitt.

I will send up a signatur of change of 10 chalders of victuall of Lochsline from ward to taxt.

Lett the President, Advocate or any new intrant to the secret committee be clerk per vices yeare about, for it is ane excessive trooble.

A short Memorial of the Mint affairs.

If a mint be sett up money most be coyned to our standard or worse.

If worse, whatever is abased of the moncy whither in fynnes or weight (which is all on certainly) that will diminish and substract just that much of all the goods and lands of the kingdome.

If money be coyned at our standard, so long as any forreign money of a worse standard passes, the wholc that is coyned will be weekly carried away in merchandise.

If wee continue as wee are, the samme losse wee have from the base forreign money, as if wee coyned below our standard, for wee only imagine the forreign coyne to be worth what its called, but it is valued by all wee trade with, but at its true value.

The base money is on certaine cause of the scarsity of money and poverty of the people.

For to fancy that the allowance of base money incouradges merchants to bring in money is a grossc mistake, since the merchant will bring no more money in, nor he resolves to buy of goods, and he would bring that in of good money, if bad did not passe, and wee are only cheated when wee take as 58 shillings what in all trade with other nations is worth not 54 shillings.

Therfor since there is a certaine national advantage in havcing a mint to coyne our bullion, and merchants would import money to be coyned, if they find ane easy coynadge, and since to coyne bad money is madnes and certaine loss.

Therfore, its fitt to coyne money at our owne standard of clevn denier fyne out of the fyre. This is a litle lower nor the English to keep in our coyn and it was ever so, but its better then all the forreign money passing here bc farr.

But it will be all caried away if forreign money be not discharged absolutly.

This would be a loss to all the nation, who now have nothing but forreigne coync almost.

The remedy of all is to recocync the forreign money to our standard, which will take at least 12,000 pounds sterling to make up the difference.

And therafter the King giveing his bullion to the expence of the mint and allowing 200 ston of silver to be coyned at 10 denier fyne in 5 and 10 shilling peeces, to runn currant only in the kingdoine, there will be a coynadge given to merchants for litlc or no expense viz.: for the petty charges, which is 24th scots or 40 shillings sterling on each ster (stone) of silver.

But 4,000 stone of copper is desynd to help the undertakers.

55. INSTRUCTIONS by the secret committee of the Privy Council to the Duke of Queensberry as Treasurer, to make representations to his Majesty on a variety of subjects connected with the Kingdom of Scotland. It is signed by the Marquis of Atholl, Lord Tarbat, the Lord President Falconer, and Sir George Mackenzie, Lord Advocate, without date, but evidently after the rising of the parliament 1685.

Sederunt.

Lord Treasurer, Lord Privie Seall, President, Advocat and Register.

It is thought fit that ane acompt be given by my Lord Treasurer to his Majestie of the present state of this Kingdome since the late rebellione.

Especially that albeit the rebellione be compesseed, yett the principle is not extinguished, and many are of it, who, if not further crushed, may as weil revive and act mischeevously heirafter.

And that therfore albeit the measurs formerly taken, which have brocken them, can not now be prosecuted, because all submitt. Yet it is advised that the heads who are under guilt be brocken, so as to be uncapacitat to doe ill, and that notwithstanding of any indemnitiie may

be given; yet ane eye is to be kept over them and the forces posted with a respect to that, untill by experiance they be found to have forgot ther malignitie.

As to what is past in the secreit comittie, and as to the litle differences on some measours proposedd, the minuts containe the articles, and as the letters sent to us carie what they propted and are by us, so our answers one all occasions carie our opinione and the reasons thereof, to which wec adhere as particularly, to the bond proposedd in Clesdaill, and since urged, which wee could not concurr in because it was impracticable, and the forme of thes obligations were expressly prescryved by Act of Parliament. And when the Lord Treasurer offered to cause his districk to take it, if it were judged fit, the secreit comittie referred any consideracion thereof to the nixt parliament, because of the gineralitie of the concerne and the tenor of the Act of Parliament against it, wherby it could not tend to a solid securitie.

The Lord Threasurer would represent to his Majestie that all of us in the secreit comittie have ever concurred in everie thing and everie resolutione, without the leist contradictione or opositione, in everie individuall thing unanimously.

The Lord Threasurer would represent to his Majestie that his Majestie would consider, that the secreit comittie can not be considered by him as to be answerable for the events of government, since nothing comes befor us but when wee are to prepare a proces or examin informers; but as wee ought not to steep further then wee are allowed, so wee ought to be considered as having no influence on the greater wheels of the goverment, such as the qualitie of persons employed. These actions and meathods, there interests and concerns thereby and relations. Nor can wee influence the first grounds when wee are comanded or wee be consulted. For in our duty when wee are ordered to run in a road, it were undutifull to us to stop untill our advyee were taken whether that vere the right road. This would be represented so as not to inferr that wee desire to be consulted in these greater matters. But that wee be not blamed for the effects when wee are not consulted in the .

Wee humbly desire that his Majestic may consider that affairs persons and actions will have a different aspect at 300 myles distance from what they have on the place, and that his Majestie wold not see things the worse, if things vere represented as weill by those who are one the place as weill as by those who most but conjectur, or perhaps take there measures from privat mens informations.

There is a draught of the Indemnitie marked by the King's Advocat, wherin is to be considered whither to except Argylls rebellione in the terms in it, or to extend the pardon to this as to the other rebellione 1679, with the exceptions relative to that rebellione, which is referred to his Majestie. But at least it is our humble opinione, that ane Indemnitie in the terms of the Act is necessarie. But as to the particular persons to be nominatim expressed, wee are not rype to give advyee as yet in that, and it will be fitt to be delayed till they be fully informed in the beginning of the sessione.

It is advisable that the livtenancies be recalled if the King thinks fitt.

And since the Indemnitie coneluds bygaines that for the future the counsell be comanded to emitt a proclamatione ordering shireffes and others to strate and exact observance of the laws against new transgressours.

The Lord Threasurer would informe himselfe of the state of the comissione of treade and where it stopt, and lay it before his Majestie, that it may be knowne what is to be expected from England in it

that measurs be taken accordingly heer, and to give his Majestic ane acompt, that the preservacione of this natione depends on it, for if they doe not communicat trade with us, wee must prohibit all wearing of English cloth.

The natione crying out for a mint and the great consumptioun the natione is under by base forrange eoyne, and that the natione will be destroyed, if the money be not brought to a just standard, as also if all the forrange eoyne be not recyoned without loss to the people; to remead thes great evells there is ane overturne given in to the Lord Treasurer for redress heirof, which is referred to his Majesties consideratione. And it will be a most acceptable thing to the natione if the artillery company and a proportione of the eess lately granted may be employed one this use, to the ivalue of 12,000^{lb} sterling, for receving the forreigne mony.

The King would be informed that all the heretours, who are in prisone and not sentenced, are under proces.

The King's Majestie would be plassed to consider that not taking of the test, according to the late Act of parliament, can be advantagious to nobody, bot some ringleading fanaticks, who doe not exceed 24 persons; and if they be let past it will be a new head for ther partie, but the executione and applicatione of it may be so regulated, that it needs extend no further then those few and within a short tyme, and use may be made therafter of the Act as his Majestie pleases, with which his Majestie may consult his counsel heer. If any thing be spock of the Act of parliament conerning the militia, it would be represented that the reasons moving us to goe on in it are fully in our letter sent up of the

If the proces of forfaltur past in parliament be spock of, our reasons for the relevancie on the acompt of the interest of the croune would be told his Majestie, least it be thought that wee made, and wee have the more reasone to have our services to his Majestie truly represented, since a verie moderat aprobaton past for us in parliament was so much scrupled at by some.

But as to the militia, it beeing left to the King's pleasour by the Act it could have no inconvenieneie, and by it the parliament was incurred to the supply and all other grants, and was the only thing wherby they vere gratified, and it was impossible to discipline them and undisciplined all the croud twixt sextie and sexteen is as good as they. And by the Act of militia the King's prerogative was stratned dangerously, which by this new Act is totaly taken of, and the unsignificancie of the militia. This late commotione hath fully demonstrated by their mutinies and other irregularities, and the militia of the west could not be trusted with armes, few militia men beeing there who have not been actually in armes against the King, and on the contrare it did and does seem necessarie for the securitie of the goverment that they be disarmed.

The King's Majestie would know that all commissioners of excye, supply, and justees of peace, vere by a ginerall rule nominat by the commissioners of the shires and by the noblemen of these shires, and the persons apoynted for the trade. Argyll's affairs, commissione of the church and others vere by the Comisioner nominat and advised with us according to his Majestie's instructione.

For the setling of the peace of Argyll and Tarbat, it is proposed that ane indemnity be past to all the comons who shall come in befor a cer-
tain day and enact themselves to all obedience for the futur. That all
the heretours in these shires who are guiltie of rebellion be forfalted,
and the Lord Advocat is desired to heast proces against them. The
houses are ordered to be east doune viz. :—Dunstafnag and others, and

the shireffe is ordered to execut the laws vigorously against theft and roberie, and a comissione sent to him for this effect, and by a proclamatione the Highland comissione is ordered to endeavour restitutione of the goods robbed.

There would be a new comissione for the Highlands by his Majestie and the nomination by his Majestys counsel.

And for a ginerall securitie of the peace of the Highlands it appears necessar that two companies of the standing forces be ordered to be devided by the secreit counsell in fitt posts, without which the laws will not be executted nor honest men secuired.

In the process comanded against the late Duke of Monmouths aires, its thought that the aires most be either sent doun or sett at liberty to make the proces formall.

As to the state of the right of the estate, the lawiers are to consult the rights, but in generall it appears what stood in the late Dukes persone falls under the forfaultour, and what stood in the Duches persone will not fall, and we are informed that the Lords of Sessione by a decret have reduced all rights which vere made by him and repond hir: however the Advocat is to goe one in the proces against the aires, but litle can be done in it till November nixt.

It would be told that the proces against Auchinbreek, Ardkinglas, and others of Argyll complices is to goe one, but Saltoune most have a new proces because his great cryme hath emerged since the last proces was raised.

The King would be informed that the proces intented against Staires before the parliament was remitted to the Justices, but that onc Sir John Cochran's informatione and Spence's confessione, it appearing that he assisted with 1000 lib. ste(r)ling to the rebellione, that a new process is intented, and the said Sir John Cochran and Spence ordered to be examined be the Justices to ly in retentis.

The King's Majestie would be pleased to pass a remissione to Spenee, and the Counsell in the meintyme to reptyre till the first counsell day in October.

Charles and John Campbell and Lord Neils sone most be forfaulted or they be banished.

His Majestie would consider how much it imports his Majestie to give a ship to carie away prisoners, whcu any number of them shall be apprehended.

If any thing be spoeke of Argylls maner of executione, of the Act for augmenting the registers fees and for adding some lands to Cromertie shyre from Ross.

His Majestie may be informed that Argyll's forfaultur being one consequential treason, and no tyme being allowed for a new proces that the executione bchooved to be one the first cryme and sentence; but since therby there is nothing on record of his last hideous treason, it may be proper yet to forfalt him.

As to the aditione of the registers fees, it is no new practise, and the new trouble imposseid one the register and his deputs, and the securitie of the people be far above what they vere formerly appeared a good reasone for it, and so all of us thought or it past and doe so still; and as to that of the shireffship, it is ane ordinar favour granted to all who ask it, and the Commissioner did shew us an instructione for it.

The King may know of the matter of Marques of Atholl and Lochzeill, and the depositions taken, if any thing be spock of it: thir and a coppie of what is informed against Lochzell presented.

The state of the garisone at Inverarey would be represented that it hath been heitherto one the Marques of Atholl's expensses, and that as yet he hath not received one farding of that sent nor will not for a tyme, it beeing cast absolutly vast.

If Duke Hamiltoun shew auy resentment against the late Earle of Tarras depositione, where he is meutioned, it would be told that the first peaper sent by Tarras with his lady which is sent up did give a ryse for ginerall intergatoures, which without a cryme wee could not but urge, tho without designe against any particular persone living.

Thiere are many peapers which vere taken with Argyll arc put in a servant of the Exchequer hand to revise and to be considered.

His Majestie would be pleased to consider of how much importance it is to the croune to retain the possessione of choseing the provest of the brugh of Ediuburgh ; for this is the true way to keep them from faction, aud from misimploying thier revenue aud governiug the towne only with ane eye to procure elections.

The Lord Threasurer would represeut to his Majestie that the forces which his Majestie hath in this kiugdomc are suficient to suppress any comotione that can aryse within it selfe, and as many as can be conveniently entertained in the kingdome. For the povertie of the natione is above what any can think, and some things are necessarie to be done for the natione by the publict stock, such as the establishment of the miut aud to have some mony in cash. And it is certaine that if my Lord Threasurer had not had mony in the castle, the entertainment aither of horse or militia had beeu impossible and the enimie might have ranged at pleasure. And therefore it vere advisable and more in our humble opinione for his Majestie's interest here that the number of single souldiers in tyme of peace should rather be diminished then any new forces to be rased since a little mouey heer is difficult to be raised and therer is much to do with it. But without any diminitione of the present forces the mint may be established to the satisfaction of all the natione.

S. DA. FALCONAR.

ATHOLL.

TARBAT.

GEO. MACKENZIE.

56. ANSWERS by the Duke of Queensberry to the Libel given in to his Majesty against him by the Lord Melfort after the first session of parliament in April 1685. The King kept both the principal Libel and Answers.

Just double of the Ansuers made by Duke Queensberrie to the Lybell and accusation given in against him to his Majestie by the Lord Melfort after the parliment 1685, wher the said Duke was Commissioner, and for greter clearness the severall Articles of the said Lybell are here mentioned before the Ansuers.

1st Article of the Lybell.

In the 6th Act obligeing husbands &c. to answer for ther wives, the Act 6. pouer of obsolving or mitigating fyns is left to the coucill aud not to In. 11th. the King, which is highly undutifull.

This Act was made in persuance of his Majestie's royall pleasour, Answer 1st. iutimat by his letter to the Privie Councill bearing date the day of and brought doun by Earl Pearnth, warranding them to fyne husbands for ther wives irregularities, and to acquitt or mitigate the fyns of loyall husbands, as ther loyalty and merite should be made appeare; and the Act is in the exact tearms of the letter and the Instructious given to Duke Queensberrie theranent, by which his Majestie devolves

that poure to the Councill, and it necessarily behooved to be so, since such sentences wer to proceed upon judicall tryall, and has been the method, of all former parliaments in caies of this nature. The King and his eouncil are not different; what is remitted by the parliament to the councills determination is still understood to the Kings, and its a grosse misconstruncting the Act of Parliament to pretend the contrair, as if the parliament did intend by ther remitting this matter to the eouncil to exclude the King, which is equalie against law and sense.

2nd Article of the Libell.

Act 10th.
Ins. 6.

The 10th Act concerning judicall confessions comes not the lenth of the Instruction, since it is only a temporary law, and that is ane abridgement of the prerogative by which it was done before that law was made.

The 10th Act anent judicall confessions was brought in to the Articles as a perpetuall law in the tearns of the Instruction; but tending extreamly to the alteration of the antient laues of the kingdom, most of the Articles and the whole lawiers ther did much oppose and debate against it, and it having mett with generall opposition, as being judged of dangerous consequence, this temporary law was resolvd upon by the Secret Comittie as the best expedient, and even that did not pass without difficultie; and how his Majestie's prerogative is more abridged by this temporary law then if it had been pcrpetuall cannot be comprehended.

3rd Article of the Lybell.

Act. 12.
Inst. 5.
Ansuer 3d.

In the 12th Act severall Catholicks are namd commissioners of Assessment, ordained to act under sevare pains and fyns, and to take the test and other oaths contrary to ther religion.

The Cōmissioners of valuation for the severall sheyrs wer not now nor in any preceeding parliament named either by his Majesties Commissioner or the parliament, nor wer ther names ever so much as read in parliament, the common course having still been, that the noblemen and commissioners for the seaveral sheyrs made up these lists and gave them to the Clerk Register who inserts all in the Act, so if ther be any named who ought not, they have only ther oune freinds to blame, who therby design them favour and not a snaire, and particularly Mr. Thomas Gordon, clerk to the Justiciarie, who does the Duke of Gordon's bussiness, complaind to Duke Queensberrie about raiseing of the parliament, that non of Duke Gordon's freinds wer namd commissioners in the severall sheyrs wher the said Duks interest lay, wherupon Duke Queensberrie, the Commissioner, orderd him to give in lists to the Register of the said Duke's freinds to be added, which accordingly was done, and these containd most if not all the Roman Catholicks mentiond in the Aet, who if they be insnaird by this trust have only Mr. Thomas Gordon to blame, who ought to have knoun the law in that caice. Beside, his Majestie would be pleased to remember that the preceding parliament wherin he was commissioner did enjoyn these commissioners to take the test (and the Secret Comittie now thought fitt to doe the samin) so that it's noe new Act or design of this parliament; and albeit these commissioners be obliged to accept as they will be answerable, yet that imports neither sevare pains nor fyns, since the application of it is still reserved to his Majestie, they being only answerable to him and his eouncil if they shall so refuse; and as this was by the Secret Comittie singly levelld against phanaticks, so nou other can be in heasard

by ther not accepting, since his Majestie may acquitt them at his pleasure.

4. Article of the Lybell.

The 24th Act is contrar to the Instruction, since masters are not obliged to answer for ther tennents as they ought. Act 24.
Inst. 9.

The Act is not contrary but agreeable to the Instructions in evrey thing, all former lawes obligeing masters for ther tennents being reneued and declared to be in force, which wer judgd by the parliament to be sufficiently strick in that caice, and that nothing could safely and justly be added to them ; and as this was all that the parliament (after full debate in the Articls and seaverall amendments of the Act) could be brought to condescend to, so the Secreit Committie found it reasonable and advised to accept of it. Ansuer 4t.

5. Article of the Lybell.

In the 31 Act for securing the officers of state ther is more then the Instructions, and that to the King's prejudice, as omissions, by which the King is tyed up not to enquire into the omissions in his service. Act 31.
Inst.

His Majestie by his Instruction has allowed the whole actings of his officers and ministers to be fully approven in parliament, and they to be secured as to ther actings in his service in most ample forme. This being the tenor of the Instruction, it was judg'd reasonable by the Secreit Commitie and the whole knowing lawiers of the nation, that this approbation and securitie should extend as weell to omissions as commissions in his service, without which they could not been fully secured in the tearms of the Instruction ; and his Majestie has allways been pleased to allow such Acts in favours of his servants and ministers to passe in the most extensive and favourable tearms as the Instruction in this case bears ; and if ever the actings of his Majestie's servants be inquirid in, probably non of them will have more reason to crave the benefit of this Act both as to omissions and commissions then these who now reclame against it. Ansuer 5t.

6 Article of the Lybell.

The 32nd Act concerning the militia, contrary to the Instructions, and against the good of the King's service, as was the method of carrying it on. Act. 32.
Inst. 25.

This Act anent the militia is upon the matter the same, that his Majestie has allowed by his Instruction, since it only discharges the randevouze of the said militia dureing the King's pleasour, reserving still pouer to his Majestie to conveen them as he thinks fitt according to former laues ; and what is objected against it is but a meer quibbling of words ; nor was it otherways caried on then by his Majesties speciaill warrand and in the ordinar methods of parliament, and likeways by the advice and approbation of the Secreit Committie ; and that so loyall a parliament should be chargd with earyng on affairs by methods against his Majestie's service and interest seems hard and not to be answered for if questiond. Ansuer 6t.

7 Article of the Lybell.

The 36 Act anent ane Address against the familie of Argyle is contrair to the King's prerogative, without Instruction, and of dangerous consequence, since the councill has twice alreadly committed the cryme therin statut high treason. Act 36.

Answer 7t.

The Address which the parliament made to his Majestie against Argyle was brought in both to Articles and parliament in the tearms of ane humble address, and voted and past as such, but never considerd (nor will the draught beare it) to be of the nature of ane Act, nor was it toutched by the scepter as other Acts are, as appears by the Minuts of Parliament. And tho the tittle beare the word Act yet that inferrs only that the parliament orders the Address to be made, which and all things else done in parliament most in forme be done by way of Act, and as this was approven and brought in by the Secret Comitties advice so the reasons that moved them to it seem loyall and dutifull, the late Earl of Argyle being then in actuall rebellion, and the whole discontented people in the nation ready to joyn him; and the lyke cruell and unnaturall rebellion haveing at the same tyme broke out in England under the command of the late Duke of Monmouth. I say these reasons made the Secret Comitie judge fitt that the parliament should give that publick testimonie of ther abhorrence of such courses, and of the familie that occasiond them heir, which at the tyme I'm sure had good effects in the King's service and deterred many from joining the rebels; and the whole import of this address was humbly to implore his Majestie in the tearms therin mentiond that Argyles freinds and favourers might be therby discourag'd, nor does this address beare one word statutorie, but on the contrair the strain of it runns in ane humble petitioning his Majestie; and since all that the parliament by this address desyrs to be done against the familie of Argyle, and much more was actually done and past unto a positive law by a former parliament, wher King James 6 was personally present against the restitution of the familie of Gourie, as appears by the Aet sign'd by the Register and heirwith given his Majestie, which runns in much higher tearms then this address. The Secret Comittie and parliament thought his Majestic would be so fare from being offended att this ther so loyall and zealous address, that they expected thanks for it as the best service they could doe upon that occasion, and thought if it had been ommitted they might been justly chargeable with remissness in his Majesties service; nor is the printing and publishing it less excusable, being at a tyme when the rebellions wer on foot in both kingdoms, as said is; and considering ther is nothing of Argyls rebellion remains upon publiek record in Scotland, save this adress, it was judged both fitt and necessar that it should remain in the publiek records of parliament: by all whieh how malitious, slight and groundless, this article of the libell is, seems abundantly cleare, since whats complained of could never have any ill consequence, nor did not passe in a law; and that the Secret Comittie approvcd of all this matter appears by ther letter to the Thesurer of the 6th of October 85 heirwith shoun to his Majestie; and till the King declaircd his pleasour anent the adress, that ther was the least heasard in contraveening it is obvious in law and sense, fare less that the Privie Councill committed the eryme of treason by iuterposeing with his Majestie for any of these accessorie to that rebellion, which seems to be a bold assertion, and wheroft they are very easily able to vindicat themselves.

8th Article of the Lybell.

Act.

The Aet of annexation of Argyle's offees, jurisdictions, &c., includs Arran belonging to Duke Hamilton and excludes Orknay and Zettland.

Answer 8.

Argyle's offices wer annexed exactly in the tearms mentioned in his infestments, which contain the jurisdiction of all the isles of Scotland, excepting Orknay and Zettland, and these being the precise words of the infestment, the annexation behooved to runn in the same tearms,

without excepting Arran or any other isle ; and, beside, ther was noe application made by Duke Hamilton or any for him to the Commissioner and parliament to have Arran excepted, nor was it knoun that Duke Hamilton pretended to the Justiciary therof, and it's supposed Duke Hamilton was present in Articles when the said Act past, at least I'm sure Sir George Lockhart, who is trusted in all his affairs was, and nothing being objected by any body against him, how could Duke Hamilton's concern fall under the Commissioner's and parliaments consideration, and if the familie of Hamilton have a legall tittle to that Justiciarie (which many question) it can no wayes be prejudged by this annexation, since he may declare it before his Majestie's Judicatories at his pleasour.

9. Article of the Lybell.

That of annexation of forfeited estats to the croun has in it some Act 42. excluded by the Instructions, and has some left out for favour to the Thesurer's freinds, as is most evident by that notorious cheat in the lands of Carbello.

Both the branches of this Article of the Lybell doe grossly miss- represent matter of fact and very confidently asserte against his Majestie's Commissioner and the parliament notorious falsehoods, for as to the first pairt, that lands are annexed which wer formerly gifted by his Majestic, it's supposed to be meand by Collonel Oglethorp's interest in Galloway, and is a great mistaike, for by his Majestie's letter bearing date 11 May 1680, and by a bond given by the said Oglethorp and his partners therupon, the effect of ther gift is restricted to 600^{lb} sterling yearly ; wheras the lands therin contain'd, and to which the rebels ther predecessors had right, will amount to neir double that soume, and are such as for many reasons the Secret Committie judged fitt his Majestie should acquire ; and toutching Collonel Oglethorps right, it is reserved by the Act, and noe body else is concernd to make such an objection especially against his Majestie's interest : and as to the bussiness of Carbello, which (as is humbly conceaved) is exprest in tearms very undiscrett against the Commissioner and parliament, it is a great and malitious callumnie, for these lands are anexed in the express words of Sir John Cochran's infestments, as the publick records will instruct, if his Majestie judge fitt to cause inquire further in the matter ; and the Thesurer knoues nether the lands nor persons concernd, and ther is noe favour done or desynd to any body but singly to annex what Sir John Cochran had right to, which is all the parliament did, and behooved to be done in the tearms of his infestments.

10. Article of the Lybell.

The 43d Act in favours of the inhabitants of Orknay and Zettland not Act 43. instructed and against his Majestie's prerogative.

This Act of privat concern allowing the inhabitants of these remote islands (being his Majestie's proppertie in great pairt) a longer tymc to appeare before his judicatories at Edinburgh upon citation and process betuixt privat parties, then his Majesties other leidges who live not at such distance. This Act was desyrd in favours of these inhabitants by the tacksmen of the King's rent, and was judgd reasonable and for the good of the King's interest by the Lords of the Secret Committie ; and, besyde, his Majestie has by a generall Instruction warranded all such privat Acts, and wherin the prerogative cannot be in the least concernd, so it mett with noe oposition, and all privat Acts of that nature have been so past both in this and preceding parliaments.

11. Article of the Lybell.

Act 45. The 45 Act in favours of Sir William Bruce against the Instructions, and the granting ane hereditary jurisdiction by Act of parliament without the King against his prerogative and the constant rule of gifting heretage viz. by his Majestie's signatur and great seal.

Ansuer 11th. What's said against this Act in favours of Sir William Bruce is a missrepresentation of matter of fact, for Sir William long before the parliament had right to that sheriffship and others mentioned in the Act from the King by his Majestie's signatur and great seal, whereof this is only a ratification; and these doe pass in course and are denied to noe subject, and besyde this Act was advised with and approven by the Secret Committie, and for which it's conceived the Comissioner was sufficiently warranted by his Majestie's Instruction, the whole privat parties concerned having consented.

12. Article of the Lybell.

Act 38. Concerning registration of writts not instructed, and against the King's prerogative, in so fare as it imposes upon the leideges ane imposition of money without the King's consent or knowledge.

Ansuer 12th. His Majestie by his Instructions did warrand the passing ane Act for further securing and preserving the registers and records, in order to which this Act was aggred to in the Secret Committie (as a further security to the leidges); by whom it was lykewayes thought just and reasonable, that in consideration of the Lord Register's additionall pains and trouble in his office ther should be a small adition made to his fies, so what's mentioned in the Act was condescended upon and is said to be a very inconsiderable thing not exceeding 200^{lib} sterling a year, and was most willingly agreed to by the leidges who wer the only persons concernd. The lyke adition was made to the Registers fies in favours of Sir Archbald Primrose by the parliament 1661, tho the said Sir Archbald was then putt to noe additionall trouble, and for passing which Act the then Commissioner had noe instruction; and as in this matter the Secret Committie wer then very unanimous and doe yet adhere to ther former opinion, so it was with great zeall and concern managed and caryed on in the Secret Committie, Articles and parliament by the Lord Chanceler, who used all his interest to have it granted, and when the Register after this noise about it would have past from and dischargd it dureing his tyme, the Chanceler and others of the Secret Committie dissuwaded him.

13. Article of the Lybell anent Acts ommitted.

That of the mint without which it is the generall opinion the kingdom cannot long subst.

Ansuer 13th. The imposition of one per cent. for a free coynage (out of the annual rents) was proposed in Articles conforme to the Instruction but was vigorously opposed by most of the members; and therefor and that in all probabilitie it could not cary, the Secret Committie, judged fitt to delay it, and the rather that most of the nobilitie and gentrie whò wer most like to have gone allong in the thing wer then absent and with the King's host against the rebels, so that the burrons wer the only intire state at that tyme in parliament, who wer resolved as one man to have opposed it.

14. Article of the Lybell anent unprinted Acts.

One in favours of the Register erecting ane hereditary jurisdiction without the King's consent, as that of Sir William Bruce with this addition that this includs the King's oun propertie, not instructed.

Ther is a generall Instruction for disjoyning particular lands from one shewre and annexing them to another at the request of heritors. And this of disjoyning the Registers lands from the shewre of Rosse and joyning them to the shewre of Crommartie was desyred by him as convenient for his interest and the inhabitants and prejudiciale to non. It was brought in to the Secret Committie and by them judged reasonable and agreeable to his Majestie's Instruction, and was managed and caried on both ther and in the Articles and parliament by the Lord Chanceler, and non oposeing it was unanimously past, but when Earl Seaforth's interest was represented (which was not till after the Act past) the printing therof was discharged till his concern should be heard and determind, so it still remained stopt.

15. Article of the Lybell.

A Commission of Parliament with Parliamentary pouer to supply, as is pretended, the last Commission granted by the King under the great seall to determine in the state of Argyle, against the King's prerogative not instructed, the Commissioners not named by the King nor to be answerable to non by the tenor of the said Act.

This Commission with a parliamentary pouer was most just and necessar for his Majestie's service in respect severall persons had upon pretence of debts, wher not a 6 pence was due to them, purchast locallities in that estate, not only of unconfirm'd vassalls and other lands which will be found to belong to the King, but even of his Majestie's oun fewduties and other casualties, which by this Commission most be restored to the crown, which could not be legally done without a parliamentary pouer; and it seems strange to assert that a Commission given by parliament in the King's oun favours and to determine his oun rights should be against his prerogative. The Commissioners are by the Act left to his Majestie's nomination (tho the contrair be confidently asserted) and the Commission most pass the great seal, so that the King may qualifie it as he pleases; and if he shall not think fitt to name the Commissioners the commission falls, which these who reclame against it have very good reason to desyre, since they know that the localities they have gott will be called in question upon undoubted grounds of justice and law, and a great pairt of them will be found to belong to the King; and that this Act was fitt and absolutely necessar for the King's service the Secret Committie wer unanimously of opinion, without which it had not been proposed in Articles or parliament.

16. Article of the Lybell.

Another Commission with parliamentary power to cognosce on the inferior judicators, contrar to the Instructions, and incroaching upon the King's royll prerogative.

His Majestie did give ane Instruction to pass ane Act for regulating inferior judicatories, and the constant method therof has been by such commissions, nor is it to be suppossed that a bussiness of that nature can be otherwayes done except the parliament wer to sitt at least 6 month to examine the errors and escapes of the inferior judges, and whats to be helped or altered in judicatories, which (considdering the many seaverall judicatories of the nation) is a work of noe small tynie

and labour, and the other chief judicators of the nation are alldready regulat by the same method. It's lykewayes to be mynded that the Secrett Comittie unanimously approved of this way and orderd the Act to be brought in to the Articles accordingly, which past ther and in parliament without contradiction.

Upon the whole matter it's to be mynded that all the Acts past this session of parliament as weell mentiond as not mentiond in this malitious lybell, were revised and approven by the Seerct Comittie, and by them allowed to be proposed in the Articles, in which all of them wer unanimous upon evrey occasion, as ther Instructions to Duke Queensberrie when he went up after the parliament beare. As also most if not all of the said Acts past in this parliament wer (before being moved in Articles) sent up by the Secrett Comittie to the secretaries and returned with approbation, so ther was noe reason to fear they would be objected against after they wer past; and if they wer wrong the Commissioner is less to blame then any of the Secrett Comittie, being by his Instructions ordred to follow ther advice in evrey thing, which he did exactly as ther letter to the King and Instructions heirwith kept beare; and lykewayes if any of the said Acts be wrong draun, it's noe way chargeable upon the Commissioner being noe lawier, and having at that tyme the weight of the war and great affairs of the government upon his hand, in which he had little help, so that wording of Acts of parliament and such like bussiness was much out of his rode, and ought to have been done by the President, Register and Advocatt, whose bussiness it is, who (and non else) drew the whole Acts, and after passing the Secrett Comittie they wer amended or approven in Articles and parliament accordingly.

This is the Just Double of Melfort's lybell against Duke Queensberrie, the Secrett Comittie and parliament with Duke Queensberrie's answers thereto, which his Majestie was pleased to keep for his oune satisfaction, and after perusall therof did immediately order the said Duke's exoneration to be prepard for his royall hand, which accordingly past there and was expead here in dew forme.

And these are the truw representations of matters of fact reflected upon in these remarks upon the proceedings of the late session of parliament, which is hopt satisfied his Majestie and convinced him of the insolence and injustice of that lybell, by which many of the said Acts wer misconstrued, his Majestie's Commissioner and other officers of state and a dutifull and loyall parliament missrepresented and impeached, for incroaching upon his Majestie's royall prerogative, of carying on business by methods against the King's service, of partialitie and injustice, for favour of freinds, of cheating, and of insolencies and crymes of the highest nature, and his Majestie's privie councill in plain tearms accused of treason: and these being indignities never person had the confidence before to putt upon officers of State, Commissioner or parliament, this humble representation is offered to his Majestie in ther behalf, who in ther severall capacities and actings have behaved themselves with the greatest zeall and loyaltie imaginable, and in some things that parliament and Commissioner did more for advancement of his Majestie's service and to secure his croun and succession then ever parliament did before, wherof the following instances are offerd to his Majestie's consideraton.

1°. The Inland excye of the kingdom, which by former parliments was only granted for a short tyme, is by this for ever annexed to the croun, whieh makes ane addition of 29,000 ^{lb} sterling yearly to the constant revenue.

2°. The annexing the forfeitt estates (which and prosecutinge the phanaticks are the trew rise of all this clamour against the Thessurer) and the restoring to the croun the old fewduties of Argyle, taken away by former parliments, will augment the revenue towards 8000^{lb} sterling yearly.

3°. The supplie which was given by former parliments did continuall but a shorte tyme and came not the lenth of what his Majestie's service seemd to require. So this parliament has most cheerfully not only made a considerable addition to the then eurrent supplie, even to the outmost of what the kingdom is able to give, but has continuall the whole dureing his Majestie's life.

These particulars being now stated in a constant revenue and added to the old croun rent, which formerly was very inconsiderable, does secure to his Majestie if right managed a revenew sufficient to maintain a considerable force for support of his roiall government; so that ther will not be so great need of parliments after and beside the advancement of the revenue in these and other particulars. The Commissiener and that most loyall parliament have contrayred and past such lawes for making the payment therof, as also fynes &c. effectuall, which was never done before. They have also so fare secured his Majestie's government against the turbulent phanaticks, that not a man of interest, who is of that principall and refuses to econforme himself to the law but his estate is at the King and Councill's mercy, who by Aet of parliament have it in ther pouer to inflict what fynes they judge fitt in these cases, and because methods wer allwayes taken to defraud the King upon these occasions the parliament both past the Act forsaid for making these fynes effectuall, and declared ther estates effected with them preferable to other ereditors.

They have lykeways been so fare from incroaching on his Majestie's roiall prerogative, that they have by ane Act ouned and acknouledged the King's absolute, unlimited and supream pouer in more express and full tearms then ever was done by ther predecessors. They have also made offerr to his Majestie of ther lives and fortouns, and have oblidged the nation to bestow both in his service when and wher his oceasion shall require, and this is lykeways done more fully and effectuallly then by any former parliament, and makes the militia after this of noe use.

From these and many more instances that might be offered of the great loyalty, zeall, dutie and affection of the Commissioner and parliament, it's hoped his Majestic will not only have suteable thoughts of both, but also in his oun way and tyme vindicat them from these insolent and caluminious aspersions wherwith ther actings are so malitiously and unwarrantably charged.

SPEECHES of the LORD COMMISSIONER and LORD CHANCELLOR at the opening and closing of the parliament &c. 23 April 1685.

57. ARRANGEMENT of the order of parliament and business.

The parliament having come up in their order they are to march in from the place of their lighting to their respective seats in the parliament house. The constable conducts the Commissioner from the ladies steps to the door of the parliament house, quhair the Marishall receaves him and conducts him to the barr.

Wher the Chaneellour and all the other officers of state meets him the Chaneellour with the purse goes befor his Grace and the other officers of state follow him.

Soe soon as he is sett upon the throne the Commissioner comands prayers to be said, and after prayer, he delivers his comission to the Lord Chancellour, and the Lord Chancellour to the Register, who reads it twice.

Then the Rolls of parliament are called and absents marked, a litle tyme allowed to take protestations.

The court is then fenceed in the usuall manner and the oathes taken and subscribed.

Then the Lord Commissioner delivers the King's letter to the Lord Chancellour, and the Chancellour to the Register, quwhich is twice read and ordered to be recorded.

Then the Lord High Commissioner speaks, then the said High Commissioner desyrs the Lords of the Articles to be choisen.

Wherupon the Lords of the Clergie goe to the Counsell chalmer or old Exchequer roume.

The Lords to the Sessione house.

The Barrons and burgesses keep their seats.

After the bishops having made chose of 8 noblemen, and the noblemen of 8 bishops,

The 16 meet together eyther in the Counsell chalmer or Exchequer roume, and make choice of 8 barrons and 8 burgesses.

All these soe elected are carried by the Lord Register to the Lord High Commissioner.

And if he approve the same then all the members are ordered to returne to their seats.

And after they are sett the Lord High Commissioner attended by the officers of state, ascends the throne.

And the Lord Register publishes the names of the Articles, the Lord High Commissioner add to them the officers of state,

Then the Lord High Commissioner nominats a comity for the contraverted electione.

Which ordinarily consists of thrie of every estate, quhairof five to be a quorum, and the officers of state supernumerare. The Lord High Commissioner nominats the first dyett for the Lords of the Articles, and the forsaid comity for elections, and declares they have power to adjourne their meetings as they sie expedient.

Then the Lord High Commissioner adjournes the parliament to a certainc tyme and prayer is said.

Att all other meetings, prayers being said the Rolls are called, and reports from the Lords of the Articles are brought in in their order.

58. SPEECH of the LORD COMMISSIONER, 23rd April 1685.

sic.

The Commissioner's speech at the opening of parliament the 17 Aprile 1685.

MY LORDS AND GENTLEMEN,

His Majestie has been pleased so fully and oblideingly by the letter you have now heard to intimate his royll pleasour to yow, as what I am to say seems in a maner superfluous, so I will not take up much of your tyme, nor doe more then toutch a few things as breifly as possible.

And in the first place, my Lords, this being the day of his Majestie's coronation in our nighbour kingdom, yow sie he is noe sooner placed in the throne of his royll ancestors then he inclyns to have your advice in what may import the good of his service and subjects here; by which yow ought not only to be convinced of the great confidence his

Majestie has of the loyaltie of this his ancient kingdom and of ther good example to his other dominions, but lykeways how fully he makes good his royll word and declaration to follow in his reign the example of his late Majestie of ever glorious memorie, under whose protection and government we enjoyed so long peace and quiet. I say, my Lords, as by calling you so soon his Majestie expresses great confidence in yow and seems still myndfull of the zeall and affection of the last parliament for the rights and prerogatives of the croune; so in dew return, it's not to be doubted but yow will upon this occasion not only exceed what has been formerly done, but cheerfully comply with all can be proposed for establishing his Majestie's greatness and your oun securitie, and by this convince the world how sensible ye are of the great honour his Majestie alloues yow of being the first parliament of his dominions to doe so.

I'm in the nixt place to tell yow that his Majestie is very myndfull of the dutie and loyaltie of this kingdom to his late Majestie and himself, when he was heir amongst us, and the better to compose the mynds of his faithfull subjects, I'm alloued to assure yow of his princly resolution to protect and mantain the religion and government of this church as they are now established by law, and that he will take the persons and concerns of the regular clergie into his speciaill caire and protection, and in order thereto I'm to give the royll assent to such lawes and acts as can be reasonably proposed.

I'm lykewayes to let yow know that his Majestie will concerndly mantain your just rights and propperties according to the establisht lawes of this kingdom, and will not allow of oppressive arbitrary proceedings in souldiers or others, and his Majestie being also sensible of the great decay of our trade has warranted me in his royll name to consent to such lawes as shall be offerrd for the recoverie and improvement therof.

And, my Lords, to conclude what I'm to say on this subject, his Majestie is so concernd in the incouragement, weelfare and prosperitie of this his ancient kingdom, that he will not only doe what can justly be desyred or expected for these ends, but even in the bussiness of the excyse and militia (his more immediat concerns) I am warranded to goe the greatest lenths for your ease and convenience, that the nature of these things can beare, and his Majesties service and your oun securitie will allow.

And my, Lords, his Majestie having in all things so evidently discovered his gracious inclinations for the good of this kingdom, and given us the fullest assurances of his favour and protection that our hearts can desyre, what sutable returns and acknouledgements can we make to so excellent and incomparable a prince, who in all things relating to our quiet and prosperitie prevents our very desyres; so if dureing his reign (which I pray God make long and glorious) we be not the happiest people in the world, we have only our selves to blame.

And now, my Lords, the King having in all points so fully done his paire, it concerns yow in the nixt place to mynd yours; and in order thereto I make noe doubt but yow will asert the rights and prerogatives of the croune, and establish the revenue as amply upon his Majestie and his lafull successors, as it was enjoyed by the late King or any of his royll progenitors, since yow can not the least doubt but his present Majestie's caire for your repose and securitie will rather exceed then fall short of that of his royll ancestors. But to use further arguments to incite yow to what is so much your dutie and interest wer at the same tyme to question your loyaltie and zeall for his Majestie's service, and your concern for the interest and honour of your native

country, whose representatives ye are; so I shall not injure yow or lessen your thanks by saying more upon the subject.

My Lords, his Majestie certanly expects from the prudencie and loyaltie of this parliment, that effectuall wayes will be fallen upon for destroying that desperat phantiecall and irreclameable pairtie, who have brought us to the brink of ruine and dissgrace, and are noe more rebells against the King then enemies of mankind, wretches of such monstruous principles and practises that past ages never heard nor thosc to come will hardly beleive. What indemnities and Acts of grace and clemencie have they not contemnd. And all the use they made of them has still been to harden and confirm them in ther execerable villanies, and how inconsiderable so ever they appear, assure your selves they ought not absolutely to be contemned; for if they had not support and correspondence not yet disscoved, it's not to be supposed they could have so long escaped the caire and vigilance of the government. It therfor concerns yow both in honour and prudencie noe longer to dally with them, but that the outmost severities be most effectnally applyed and all wayes taken both to disscove ther favourers and retired aud secret haunts.

My Lords, I doubt not but all of you sufficiently know that some of our nation are too deeply involved in the late horrid conspiracy, who (and some others for treasonable cryms and practises of another nature) are to be proceeded against before this parliament. The evidence of ther guilt I shall leave to its' propper place and tyme, and doe not doubt but his Majestie's Advocatt will manage this weightie matter with suteable eaire and faithfullness; so all I shall further say upon this subject at present is that if Allmichtie God (who watches over the securitie of princes) had not miraculously discovered and dissapointed those, the most hellish and barbarous designs that wer ever contrived, in place of that peace, happiness and tranquillitie, which we now enjoy, these kingdoms had certanly been at this day a sea of blood, and in all imaginable miserie and desolation; which being evident beyond denyall will certanly provoke your and all good mens indignation and resentment against such who can be reacht, not only as advisers and contrivers of these villanies but concealers of them; and since our honour and securitie evrey way seems absolutly bound up in the life of his saered Majestie, ought we not most cheerfully to grant what the exigencies of his myld and most gentle government requires, especially since what we so give is still betowed upon ourselves and for maintaining us in our just rights and poseessions against the crewell and barbarous designs of his and our enemies.

And now, my Lords and Gentlemen, in the last place touching my self I shall not say much. My unfitness for this eminent station is possibly more obvious to me than to any of yow; however, since his Majesty has been gratioulsy pleased to place me in it, I am resolved to serve him boldly and firmly; and therby labour to make up my other great defects, and as this has still been my practise in the other great trusts I have the honour to carry under his Majestie, so I know his goodness will allwayes except of the sincere indevours of his servants in place of greater performances.

59. SPEECH of the LORD CHANCELLOR at the opening of Parliament, 23 April 1685.

My Lord High Chancellors speech in parliment.

MY LORDS AND GENTLEMEN,

AFTER what my Lord Comissioner hath so weell represented to yow it will be very little necessary for me to say much. I shall only take the liberty to putt yow in mynd (of what I beleive you are sensible

all ready) of the many obligations this nation lyes under to be graitfull to our great monarch. When by the command of the laite King, his Majestie who now reigns came first hether, what disorders, divisions and animosities found he among us. To bring the state of things into your prospect as it was then could not be very graitfull to yow nor pleasing to me, but we all remember with joy how well he left us, and by what easie gentle wayes he brought about the establishment of that unitie, which we wer beginning to despaire of.

Since that tyme how much we have been in his particular caire dureing the happie reign of that excellent princé, his brother, of ever blessed and glorious memory, it's knoun to all the world. But of all the instances of his Majestie's caire for us, his favour towards us and his good opinion of us, this of his calling us together in the very beginning of his reign (which God grant may be long and prosperous) that we might have the oportunitic of presenting him with the first frutes of the service of his parliament and becoming examples to his other dominions, is the greatest, and what we should prize the most, improving it as fare as it will goe.

When we consider what strange turns the extravagant follies of some and the malitious deivish contrivances of others amongst us have taken, since the last meeting of a parliment, what convulsions have attacqued the body of this nation, and how vile a ferment has raged in it, to have our advice called for by our prince how to provide propper remedies for it is the greatest honor could be putt upon us.

That we may doe what in deutie we are bound, in return, lett us lay asyde all privat aims and ends, for how can we hope to serve his Majestie or promote the interest of the nation, while our eye is directed only towards our oune particular; and lett us with the frankness and cheerfullness of honest Scotsmen use all possible means for uniteing of the nation, and the driveing from amongst us whoever will not joyne with us upon such tearms as may conduce to the advancement of the honour and interest of our King and his croune, and the weellbeing of this our native countrey, which we should not suffer to be dcfiled, and rendred contemptible to the whole world, by entertaining so venemous a bastardly brood of villanous men, as have of late, to the reproach of Scotland and of human nature itself, mantained principles and venturd upon practises not to be named amongst any who have ever heard of a government much less of religion.

My Lords and Gentlemen, you all know what a conspiracie hath been enterd into by ill men of both kingdoms against the sacred lives of the late King and his present Majestie; and who but incarnat deivles could think of attempting any thing against such precious lives, for what prince in Europe or the whole world was ever like the late King except his royall brother, who now reigns, and to have cutt off any [of] them had been barbarous to a degree of making us appear more abominable then any people ever wer, but for us to have lost both had been our uter ruin. Yet against both was the design laide, and had succeeded, if that watchfull Providence, which hath so often preserved the tuo royall brothers in so many difficulties had not defeated the success by an unforseen accident; and had it succeeded what confusion, what creueltie, what blood, what unexpressable miserie had overfloued these kingdoms.

But beside this, we have a new sect sprung up among us from the dunghill, the very dreggs of the people, who kill by pretended inspiration, and instead of the temple of the Lord, the temple of the Lord, had nothing in ther mouths but the word, wresting that blessed conveyance of His holy will to us to justifie a practice, suggested to them by him,

who was a murtherer from the beginning, who haveing modelld themselves into a commonwealth (whose idoll is that accursed paper the Covenant, and whose only rule is to have non at all) have proceeded to declaire themselves noe longer his Majestie's subjects, to forfeit all of us, who have the honour to serue him in any considerable station, and will be sure cre long to doe so, if not prevented by this great and honourable court. It is how to ridde our selves of these meu and of all who inclyne to ther principles, that we are to offer to his Majestie our advice, concurrence and utmost assistance. These monsters bring a publick reproach upon the nation in the eyes of all our nighbours abroad, while in ther Gazetts we are mentiond as acting the vilest assassinatons and the horridest villanies. They render us unquiet and unsecure at home; they bring reproach upon our religion and are our great plague.

Lett us for the saike of our alledgiance, for his Majestic's honour, for our reputation abroad, for the vindication of our religion, and for our oune peace and tranquillitic, make haiste to gett our selves cured of it. If this wer once effectuat, we might yet hope for quiet, and in order to the making our quiet more comfortable to us whien once we are to come to a resolution about what relaits to the publick peace, and to the respect we owe to his Majestie, we may have occasion of considdering what lawes may be necessary toward the facilitating the weel governning of our selfs and native countrey, both as to the regulating our carriage to one towards another, and the secureing our estates from any thing that may be uneasie from the distribution of justice between man and man, as to the improveing of our tread and commerce abroad, and encouraging industrie and frugalitie att home; for in all thcse things his Majestie's caire will not faile us, and my Lord Commissioner amongst his many other advantages is so weell knoun to be a lover of his countrey, that we need not feare but that he will give his concurrence in what he is alloued so freely to consent to.

My Lords and Gentlemen, to incourage us to doe all we can towards the service and the honour of our glorious monarch, lett us considder him in all his personall advantages, whither in what relaitcs to warr or peace, wher has the world affoorded such ane other, one whose naturall induments have been improven by his great experiance at home and abroad, in armes and courts, by the grcatest tryalls of the most differing kynds, those of prosperitie and success, and of adversitie and opposition, of heasards and tyles, and of authoritie and command. Did ever man shew such exact ane honestie in the strictest adhering to his word, such temperance and sobrietie, so indefatigable a dilligence in affairs, so undaunted a courage upon all occasions, and so unwearied a clemencie towards the most obstinat malitious offenders? Did ever hero compleat the character so fullic iu overcomeing bravely and shewing gentleness to the vanquish, and I most say the triumphs of his patience are not his obscurest glories, nor is the foregiveing of those whose viruleut tongues would have tainted his fame (if ther malice could have reached it) what is least to be admired. What reputation other princes have laboured for, at the vast expence of blood and thesaur, and the putting of a constant constraint upon themselves sits so easie upon him, that what they would have, he forces from the consciences of his very enemies, by his merite, and it costs him noe more then to be himself. But this theam is not for me, I doe him wrong; and while it may be at this very moment he is receaving the acclamations of his good subjects in the chief cittie of our neighbour nation at the great solemnitie of his coronation there, I am detracting from him heir by giveing him too low a character.

I shall only adde that he gave his subjects the greatest example of loyaltie and obedience, while he was one himself, and now hees ane example to all kings in his love and clemencie and caire towards his people, let us give him the return of our love, our fidelitie and our obedience, and seing he takes pleasour in nothing so much as in our felicetie and prosperitic, lett it be ane additionall ty upon us to advance his honour and greatness by all the indeavours of our lives and without reserve, and with our whole fortouns, which under his protection we may (if we please) so peacably and confortably enjoy.

60. The LORD COMMISSIONER'S CLOSING SPEECH at the RISING of the PARLIAMENT.

MY LORDS AND GENTLEMEN,

I HAD been undutifull to my master and highly injurious to yow, if I had not given tymeous and full accounts of your great zeall and resiguedness in his Majestie's service upon evrey oecasione, since this parliment begunn, and particularly in the bussiness of excyse and supplie, of all which assure yourselves his Majestie is aboundingly sensible, and comands me to return yow his royall thanks, with assurance of his favour and protection, both in your publiek capaeities and private concerns; and that the nation made choyce of so loyall a representative at this tyme, when good example and unanimitie wer so necessar is of infinite honour and advantage to us all, and will I'm sure for ever secure us in his Majestie's good opinion.

My Lords, I need not now particularly resume the great things ye have at this tyme done in his Majesties service. They're recent here and have been of good ouee [use] elswher. But this in generall I may without vanitie say, that as ye have in loyaltie and unanimitie exceeded all former parliments, so the great happiness and securitie of this nation and his Majesties servis will be, that all succeeding parliments tack you for ther exempell, and certanly our great master at this day is more happie in yow then other princes are in thesaur and armies, since yow have loyall harts cheerfullie to grant both when his service and your oun securitie requires, and upon other occasions his Majestie will never putt yow to the least trouble.

This barbarous rebellion interrupts our quiet extreamly, but I hope the firmness of this parliament and the just indignation you have shoune again[s]t the principles, persons and practises of those who have occasioned it, with the blessing of God upon his Majestie's great caire and concerne for us, will speedylie defeat ther villanous designes, and by hastening ther uter destruction secure our peace for ever.

And, my Lords, in the last place, ye most allow me to accknouledge with all imaginable gratitude, the great respect and kindness yow have been pleased to show me since I had the honour to serve in this station, which I'm sure I shall never forgett, but by the whole actions of my life shoe my just sense of it, and wher I can serve any of you with my master I shall never be wanting; for next to the honour and satisfaction I have of haveing been in this eminent trust so successfull in the service of the greatest and best of kings, I shall still consider and oun it as my cheife happiness to have served with persons of your worth and loyaltie.

And now, my Lords, it only rests that I tell you as his Majestie is unexpressablie weell satisfied with your service upon this occasion, so judgeing yow may at this juncture be of more use to him elswher then herc, and not doubting of your zeall in his service as weell in your privat as publiek capaeities, commands me in his royall name to adjurno

this parliament till the day of October first at tenn a clock in the morning at this place, and accordingly it is adjurn'd.

So God save King James the 7, grant us a happie meeting, and eon-
found all his Majestie's and our enemies.

61. LETTERS OF APPROBATION by King James the Seventh in favour of William first Duke of Queensberry for all his aetings in any publie offices, including High Commissioner to the current parliament.

Letters of Approbation and Exoneration by James (the Seventh) King of Great Britain, France and Ireland, and defender of the faith ; wherein the King considering how his most trusty and welbeloved cousin and councillor, William Duke of Queensberrie, for these many years bypast had discharged very many employments and offices of the highest trust, intrusted to him by the King and his dearest brother of most blessed memory, with the utmost prudence, skill, zeal, and remarkable fidelity, particlenlary as principal treasurer and justice general of our ancient kingdom, governor of the castle of Edinburgh, extraordinary lord of Session, and also as one of the lords of our Secret Council, and of the number of our Seeret Committee, and sheriff of Nithsdale and Galloway, and very many other most eminent employments in the said kingdom ; and lately also as High Commissioner in the first session of the current parliament he had represented the King's sacred person and royal authority. In the discharge of all these offices the said William, Duke of Queensberrie, conducted himself and discharged the offices with candour and perfect integrity and with the King's highest approbation and satisfaction. And because it was clearly known to the King, that the said William, Duke of Queensberrie, in all his very great and eminent employments, had nothing so much before his eyes as the exaet performance of his duty and the accurate observance of the King's commands and instructions, in promoting the King's serviee, right and weal in the said kingdom ; and the King holding in much esteem the steady and exemplary loyalty of the said Duke and his family, and desiring that he, his heirs, successors and representatives should be exonerated, secured and completely indemnified as to all actions, omissions and commissions, that could be in any way objected against him in any of the foresaid offices and employments : Therefore, the King, with mature deliberation not only ratifies and approves all actions, administrations, proceedings and deeds of the said William Duke of Qucensberrie in discharging the employments and offices foresaid of his High Commissioner in the first session of the current parliament, Treasurer prinicipal of our said kingdom, Justice General of the same, Governor of Edinburgh Castle, Extraordinary Lord of Session, Lord of our Secret Council and Seeret Committee, sheriff of the districts of Gallo-way and Dumfries, and all other offices and employments, intrusted to him by the King or his most serene brother of most blessed memory. The King futher declares that he is abundantly and most amply satisfied of the administration, zeal, skill and fidelity of the said William Duke of Queensberrie in all his foresaid employments, and fully exonerates him thereanent, dispensing with the generality of these presents, &c. But also for the further securitry of the said William Duke of Queensberrie, by virtue of his royal prerogative and privileges of his crown, of his certain knowledge and proper motion, the King remits, forgives, indemnifies and exonerates the foresaid William Duke of Queensberrie, his heirs, executors, successors and representatives, of all erimes, trans-gressions, malversations, and mistakes in his actions, and all the said omissions or emmissions or speeches, and others whatsoever, done by

him, however far the same may be extended against him and his foresaids, their persons estates &c. even though the same reached to treason or lese-majesty; and of all other crimes &c. and that he had received by entertainment and afforded help, or spoken words with rebels and fugitives, or that they had been received in his fields and estates, and of his knowledge and concealment of treason, and all other crimes whatsoever &c. Inhibiting all Judicatories &c. to molest the said William, Duke of Queeensberrie, and his foresaids for any such crimes committed by him or for any of his proceedings in prosecuting the offices intrusted to him &c. preceding the date hereof, or any other transgressions that might be objected to him, such as contraventions of the laws, constitutions or custom of this kingdom, even though they extended to treason and lese-majesty. Further declaring that this approbation and laudation of administrations, actions, proceedings of the said Duke shall not derogate from his letters of remission and indemnity in favour of the said Duke and his foresaids, but should be as effectual, as if the crimes and transgressions &c. were expressly inserted in these letters; all which the King remits, forgives and discharges for ever. These letters of remission and indemnity to be as valid and effectual, as if the said William, Duke of Queensberrie and his foresaids had obtained an Act of indemnity passed in the parliament. Finally the King wills and ordains that this exoneration and remission, and its various words shall be understood and extended in the widest sense. The great seal is commanded to be appended. At the King's Court of Whyteball, 31 October 1685, and first year of the King's reign. Per signaturam manu S. D. N. Regis suprascriptam. Written to the Great Seal and sealed 9 November 1685, as the official indorsations shew.

62. ORIGINAL LETTER by William first Duke of Queensberrry to his Majesty King James the Seventh, dated Holyrood House, 2 February 1686, relative to the recent tumults in Edinburgh, and also especially in reference to his management of his office of Lord Treasurer, and suggesting improvements in the administration of it for the benefit of the King's revenue.

Holyroodhouse, 2 February 1686.

MAY IT PLEASE YOUR MOST SACRED MAJESTIE,

Not doubting but my Lord Chanceler has given your Majestie full account of the late scandalous and unexpected tumults here, and what the Privie Councill has done for preventing such in the future, I shall not need trouble your Majestie with any thing upon that subject, only some are of opinion that ane other provist had been large as usefull upon this occasion; for this man, I finde, only considdered the bishop's substitute, who is still the old man and has this toun once more in the old method, and how inconsistent this may prove with your Majestie's interest and service tyme will discover. When your Majestie has account of the late bustles here, I hope I shall be found to have done my pairt, as I shall still doe to the last drope of my blood, when your Majestie's service is concernd. Touching bussiness relating to the government and other things extrinsick to my trust, I shall not presume to trouble your Majestie, not doubting but my Lord Chanceler and others in whose provence they ly gives much better accounts of them then I can. But as to thesaoric affairs I most with regrate tell your Majestie, that they are not in the condition I once design'd and had certainly accomplished, if I had been left alone, all imaginable wayes being taken to divert money from being brought in, and noe pretence shunnd how extravagant soever of throwing it away, in so much that if other methods be not

speedily fallen upon, it will not be possible that the revenue ean defray the current charge of the government and pay the armie ; of all whielr your Majestie will send [sic.] speedily eonvinced, when ye see the present state of the revenue, whieh I am prepairing and will be there in few posts. By the bussiness of the fynes, I designd, not only to have had the charge of the late war refounded, and the preeepts draun upon that found satisfied, bot to have putt £2,000 sterlinc in your Majestie's cofferrs ; tho by the methods now taken, I find I'le hardly gett money to ansuer the preeepts, so all the rest will be lost and your Majestie's enemies in noe worse condicione then formerly, tho I presume ther prineiples are still the same. The bussiness of the toune of Edinburgh, by which your Majestie thought to aequired Strathmore and Arroll's interest in the estate of Argyle languishes extreamly ; nor doe I expect any thing that way, this provist bestouing the touns money more usefullie. The Seeret Committie is speedily to transmitt to your Majestie the draught of a commission to some of Earl Tueddall's freinds for eounting with the steuards of the estate of Baeleigh, and reeaving the resting rents from them and the tennents, in which I cannot joyne for reasons writte to the Seeretaryes to be communicat to your Majestie. Besyde that I know Tueddall's clame to be most unjust, as I formerly signified to his late Majestie with Earl Aberdeen and this Advocatt, to whom that affaire was then referred, soe doe humbly wish your Majestie putt it in its trew channell by ordering me and the Thesaurer Deput to intrust such with it as weell ansuer for, and I doe assure your Majestie the thing will be better and more speedily done and the reputation of your servants preserved. These and many sueh eontryvanees are design'd to mortifie me, whieh shall never be in my enemies pouer without injuring your Majestie at the same tyme, for I'm sure I never had or has anything in prospeet but your Majesties service, and what malice I ly under for designing the destruction of your enemies and to keep your money from these I'm sure will never deserve it, the whole nation sees. But what I say in all these matters is without designe of aeeuseing any man, but singly to exoner myself as a faithfull true servant, and I know your Majestie has the goodness not to take notice of it to any body. Many here would allarum and make me beleive hard things designed against me, but I have too great prooef of your Majestie's justice and favour to have the least feare, so long as I mynd my dutie, and longer I desyre not to live. I was sorie this day to hear so great heat in couueill, wherof your Majestie will have aeeount from others, and possiblie short tyme will eonvinc your Majestie that some both here and there deserve the charaeter of Lauderdale more then I. My seeond son's business with the Countess of Weemis being now desearted, I presume to return your Majestie the letter ye did me the honour to wryte in his favours, whieh I judgded not fitt to delyver, finding the settlements eould not be effectuat. Mean while I'm sure I have all the resentment I'm capabile of, for the great goodness your Majestie was pleasd to express for me and my familie upon that occasion.

I humbly wish your Majestie have serious thoughts about your Thesaurie business in which the fewer your Majestie alloues to meddle, your eoffers will be the fuller, for the Seeretary's nor noe body else ought to know what's doeing there, fare lesse to be proeuring precepts and reecomending old elames which ought not to be heard of, but by what means all this comes about is sufficienly knoun here.

Your Majesties not allouing me the honour of your eommands as formerly in thesaurie bussiness ineourages my enemies extreamly, and is of noe advantage to your Majesties serviee. However, its my dutie to

submitte to your Majestie's pleasour, whieh I shall still in evrey thing doe with that dutie and obedienee beeomes,

May it please your most sacred Majestie, your Majesties most humble, most faithfull and most obedient subjeet and servant,

QUEENSBERRIE.

63. LETTER by King James the Seventh to the Lord Treasurer relative to the reeent tumults in Edinburgh and also at Aberdeen. His Majesty adds that "I will not let any suffer or be the worse for being of my persuasion."—Dated Whitehall, February 10th 1686.

Whitehall, February 10, 1686.

On Monday in the afternone I had yours of the 2: and at the same tyme the two Secretaries read to me the aeeount they had with the journals of Councell relating to the tumult whieh happened where you are. I intended to have writen to you upon that subject myself, but eoming late from hunting had only tyme to talke with those of the Seeret Committy that are here and order the preparing the letter I then signed to the Councell upon that affaire. I find by the letters whieh came this day of the 4. that all was quiet, and that at Aberdeen there had happned something of the same nature there, whieh makes it look as if there were something more than meere accident in it. Howeuer, I hope what has and will be done will keepe all quiet, and brisknesse must be used at the beginnings of all such tumults or els they may prove dangerous, and those that I employ must be suported. As to what you say concerning the Treasury businesse, I have not tyme nou to say anything to you of it, nor of any thing els, only that I will not lett any suffer or be the worse for being of my persuasion.

For the Lord Tresurer of Scotland.

64. ANOTHER LETTER from King James the Seventh to the Duke of Queensberry intimating that his Majesty had resolved to put the Treasury into commission, and making Queensberry President of the Council and one of the Committee of the Treasury. Dated Whitehall, 25th February, 1686.

Whithall, February 25, 1686.

By that tyme this getts to you you will have the Lord Tarbet with you, who I haue charged to tell you the reasons which moued me to put the Treasury againe into commision. I haue also discoursed at large upon the same subject both to Lord Roehester and your sonne, and assured them, as I now do you, that nothing but my being satisfied upon long and mature considerations that it is absolutely necessary for the good of my seruice could haue obliged me to do it. And to lett the world as well as yourself see I do it upon no other aeeount, I make you President of the Councell and put you into the Committy of the Treasury, in both whieh stations as well as in that of the Seeret Comimttee you may have the oportunity of seruing me as well and as usfully as in the former station you were in. As to my putting the command of the eastel of Edinburgh into the Duke of Gordon's hands, I thought that necessary at this tyme, to make that towne haue more regard for my commands and ciuiler to the catholiks, by seeing it in the hands of one of that perswasion, who I am sure neuer thought of asking for it, nor dos he know yett I intend it him. I shall end as I began with assuring you I haue done all this upon no other consideration than what I already sayd; and as I expect the same seruice from you whieh I always did, so you may be sure of my kindnesse and protection to you and yours.

For the Duke of Queensberry.

J. R.

65. WARRANT by King James the Seventh, granting to William, Duke of Queensberry, as Lord President of the Privy Council of Scotland, a yearly pension of £1,000 sterling during pleasure.

Warrant by King James (the Seventh) ordaining a letter to be made and past under the Privy Seal of Scotland, granting with advice of James Earl of Perth, Lord High Chancellor, William Duke of Hamilton, George, Viscount of Tarbat, Lord Register, William Drummond of Cromlix, Lieutenant General of his Majesty's forces in Scotland, Lords Commissioners of the Treasury, and also with advice of the rest of the Lords Commissioners of Exchequer, to William, Duke of Queensberry, as Lord President of his Majesty's Privy Council of his said kingdom, a yearly pension of £1,000 sterling, to be paid at Whitsunday and Martinmas, during his Majesty's pleasure only; and charging the Lords Commissioners &c. to pay him. Given at the court at Whitehall, 24 February 168⁶. Superscribed "James R." Subscribed "Perth, cancell," "Hamilton," "W. Drummond," "Linlithgow," "Southesque," "Belcarres," "Kintore," "G. Lockhart," "Ja. Foulis." The docket is signed by "Melfort."

WILLIAM FRASER.

Edinburgh, 32, Castle Street,
10th April 1896.



THE MUNIMENTS OF HIS GRACE THE DUKE
OF BUCCLEUCH AND QUEENSBERRY, K.T.,
IN THE CHARTER-ROOM OF DRUMLANRIG
CASTLE, IN THE COUNTY OF DUMFRIES.

THIRD REPORT.

The present is the Third Report on these Muniments, which has been prepared and submitted by me to the Commissioners. The First and Second Reports were dated respectively, 24 December 1895 and 10 April 1896. This Third Report consists of three divisions of correspondence. The first contains one hundred and twelve letters addressed by James, Duke of York, or as he was styled in former documents connected with Scotland, Duke of Albany and York, to William, Marquis and Duke of Queensberry. These letters are all holograph of the Duke.

The second division consists of letters by William Douglas, Duke of Hamilton to his brother-in-law, William Douglas, Earl, Marquis and Duke of Queensberry, also holograph, and numbering in all eighty-one letters.

The third division consists of holograph letters addressed by Colonel John Graham of Claverhouse, afterwards Viscount Dundee, to William Duke of Queensberry, and are in number thirty-seven letters.

The respective writers of these letters are all well known to history, and the correspondence speaks for itself. To each of the letters in the three divisions there is added a heading or rubric of the principal subjects contained in the letter. These headings will facilitate reading the letters continuously, or such portions of them as may be required for reference. Any detailed description of them is, therefore, unnecessary, but a few explanations in reference to each class or division of the letters may be convenient.

FIRST.—THE ROYAL LETTERS.

These include the period from June 3rd 1682 to July 16th 1685, the three last of the letters being written by the Duke after his accession as King on 6th February 1685. When the Duke of York came to Scotland as the representative of the King in Parliament and council William Douglas, then Earl of Queensberry and afterwards Marquis and Duke of Queensberry became intimately associated with him as his confidential correspondent in Scotland. Queensberry held the office of Lord High Treasurer of Scotland and other offices under his Majesty King Charles the Second and also under King James the Seventh. The latter, for the periods above mentioned, communicated on Scottish affairs very closely with Queensberry. On matters connected with the army and navy in Scotland as well as with the office of Treasurer, the Duke of York's letters show an intimate knowledge, as also indeed with all departments of business, in which the King or he himself was specially interested. In his youth the Duke of York had the advantage of being trained to arms. He was probably too young to be engaged with his cousin, Prince Rupert, either at the battle of Marston Moor on 3rd July

1644, or at the battle of Newberry in October of that year, or at the fatal battle of Naseby in June 1645. But after the retirement of his father, King Charles the first to Oxford, and the surrender of that city to the army of the Parliament, Cromwell was the only officer who visited the Duke. The great Oliver appeared to have been struck with the gallant bearing of the young Prince James. He kneeled before him and kissed his hand.

After many trials endured by him and his brother Charles, after the death of King Charles the first, the Duke of York obtained leave to serve in the French King's army as a volunteer under Marshal Turenne. The Duke gallantly went through all the dangers of the campaign. He was the first to discover that the enemy was encroaching. In the years 1653, 1654, and 1655, he served under Turenne in four campaigns and wished to continue and serve in France, but in obedience to the wishes of King Charles the Second he entered the Spanish service. The Duke's fifth campaign and his first in the Spanish army was in 1657. He became High Admiral in Spain and saw much service in the navy.

Bishop Burnet, referring to the high opinion that Marshal Turenne had of the Duke, records "that the Marshal often referred to him as the greatest prince and like to be the best general of his time." The bishop adds about him that "this raised his character so much that the King was not a little eclipsed by him."

The Duke of York in his correspondence now reported, showed great zeal, ability and punctuality, in mastering every subject. If he could not overtake all his topics in replying to his correspondents, he deferred certain of them to a future day, or arranged for a reference to the King for further instructions. In a letter from Colonel John Graham of Claverhouse to Queensberry, he makes allusion to the Duke of York's decision on certain matters connected with the army, adding that these belonged to the Duke's own province.

The Duke occasionally makes particular allusions to persons or subjects which he considered of interest to Queensberry. A few instances of this may be noted. In a letter dated July 29, 1682 he writes.—"As for newse, Lord Sunderland is come back to court, and all his by past faults haue been forgivn him at the intercession of the Dutchess of Portsmouth, and his owning them, asking pardon, and giving all the assurances of good behaviour for the tyme to come. Many honest men are allarmed at it, but not I."

In his letter of August 26, 1682, he notes in a very few words a rumour then current.—"They say Duke Lauderdale is adying." Three days later he wrote that he did not know when he wrote last "of the Duke of Lauderdale being dead, but I heard of it so sone as I came from hunting." In the same letter he adds.—"As for the Garter I proposed Duke Hamilton's having it, which would not only oblige him, but besides, I thought that the whole nation would be glad to have one of their countrymen have it." This is presumed to have been the garter which had been worn by Lauderdale: and it was somewhat singular that it should be awarded to Hamilton, who was in constant opposition to Lauderdale in his proceedings in Scotland. In the Duke's letter of November 2nd, he writes to Queensberry, "You did very well to undeceive Duke Hamilton," for the writer made no promise that the president's place of the council with a pension of £1000. was designed for him; and this the Duke had told his Majesty as soon as Duke Lauderdale died. "As for newse, all things go very well here. Lord Shaftsbury still abseonds. Sir Thomas Player has not been seen these five or six days, and one Witaker, that was accused of treasonable words is fled, and has left his security to pay for him; and 'tis thought more of that tribe will take the same course."

In a letter dated November 24, the Duke writes "As for newze, this day I had the better of Pilkington upon the statute of *Scandalum Magnatum*, who was fined £100,000 for the words he sayd of me, which is another mortification to the Whigs." Pilkington, who is here referred to, had been one of the sheriffs of London, and the scandal complained of by the Duke was a speech by the sheriff, who said that upon the Duke's return, "he had fired the eitie, and was now come to eut their throats." The Duke caused him to be indited on the 8th May, and the words being proved by two aldermen the court awarded the Duke one hundred thousand pounds as damages.

In a letter, dated 2d December written to Queensberry, he says, "I am absolutly of your mind as to Claueros (Claverhouse), and thinke his presence more necessary in Galloway than anywhere els, for he need not feare anything Stairs can say of him, his Majesty being so well satisfyd with him." In the same letter, and in another of two days later date, the Duke refers to his hunting and defers answering letters fully till next post.

In a letter, dated Deeember 12th, he refers to the Duke of Hamilton, who had just left London, and was he thought in good humour. Hamilton showed his Royal Highness a letter from one Hamilton a brewer, in which he proposed that he and his partners on the expiration of the present lease would give 1000*l.* a year more than his Majesty had yet received, to have the tack of Edinburgh and one or two of the Lothians. Hamilton desired to have the superplus, but the Duke declined to give him it. He concludes his letter with the following "All thing[s] go very well here and by the Duteh letters we had on Sonday are informed that Lord Shaftesbury was at Amsterdam, had taken a house there, and was made a burger of that towne."

1683.

While matters were going on smoothly in 1682, the following year 1683 was a very anxious one both for the King, and his brother, the Duke. A conspiraey was diseovered. The object of it was to destroy the government, and to murder the King and the Duke. This plot was known as the Rye-house conspiracy. That house belonged to one of the plotters. It was situated on the road from Newmarket, along which the King and Duke frequently travelled. The Earl of Shaftesbury, the Duke of Monmouth, Algernon Sidney, John Hampden and many others, who are named in the letters of the Duke this year, were engaged in that plot.

In a letter dated January 12th the Duke writes "All things go very well here, and we do not know certainly where the Duke of Monmouth is, but beleue he is beyond sea, for feare of being obliged to be a witnesse against Mr. Hamden and some others of that seditious party.

His Royal Highness about this time attended to general business as well as to hunting. In January, he writes of having hurt his knee with a fall at hunting. He could not stand long enough to speak with his Majesty of business, but hoped to be well enough before the end of next week to go to a hunting again. In a letter dated January 13, he refers to the death of Shaftesbury, one of the eonspirators, and he says he does not hear that he is at all regretted by his own party.

In another letter dated Newmarket, March 9th, the Duke refers to "Clavers" (Claverhouse) and says, he had diseoursed with him about the charges that Queensberry and the Chaneellor had made against him. In referring also to some jealousy on the part of Queensberry that some

might have done him ill offices to his Royal Highness, he writes, "I assure you there is no such thing, and you cannot desire I should be better satisfyd with you then I am; and am very sensible how well you serve his Majesty, and how true a friend you are to me."

In a letter dated April 10th, he writes that he had received a letter from Queensberry's eldest son, Lord Drumlanrig about his desire to be allowed to go into the army. His Royal Highness seconds his request, and thinks he may not fare the worse for being an elder brother. From Windsor, April 24th, he writes.—"And now Clauers will be sone sent back to you. I only keep him here till the Archbishop and Generall shall be come, and by him I shall answer all your letters." The General referred to here is General Dalzell of the Binns, who had gone to Windsor and had told his Royal Highness all his grievances, who added in his letter just quoted, "which needed not his having made so long a journey. I shall by Clavers know what they are. He will now be soon dispatched back to you."

In a further letter from the Duke of York, dated London, May 9, he writes, "The Old General is now agoing back, and I hope better satisfyd then when he came from Scotland. His having spoken to the King himself will have helped to have satisfyd him . . . My daughter's being to be married to the Prince of Denmark will now be no newse to you; and I am the better pleased with it, beeause I find the loyal party here do like it, and the Whigs are as much troubled at it . . . I came yesterday from Windsor, and am to returne back thether to-morrow from whenee I will sone dispatch Clauers to you." In a letter dated May 13, from Windsor, after his return there, he says, "This gos to you by Clauers to whom I must refer for severall things I have to say to you and to informe you how things go here."

In another letter from the Duke, dated from the same place, June 22, he writes, "I am very glad to heare from all hand that Duke Hamilton behavys himself so well. I have done both him and Lord Aran right to his Majesty, and will upon all occasions shew them what kindness I can." In a letter from London, four days later, which he begins with a vindication of Claverhouse from a report circulated about him, he writes, "I am confident they do him" [Claverhouse] "much wrong who report he should say, I am displeased with you, since I assure you there is no such thing, and that he is not a man to say things which are not; and this justice I must do him, that whilst he was here, no man was more your friend then he, and did presse all your concerns with more earnestnesse . . . Lord Russell and Lord Gray are sent to the Towre, and that the Duke of Monmouth is not to be found, though a warrant has been out since noon to take him. We are gott to the bottom of this damnable conserpicy against his Majesty and the Government. In a few day[s] will be made publike to all the world." In another letter dated from the same place, July 7th, he writes, "There is one taken in the West who is beleved to be that great villan Rombold." The next letter, dated July —, refers to Lord Russell and several of the other conspirators who were to be tried the following week, and states that several people were taken and examined every day who, it adds, acknowledge the rising which was to have been about this time though they had put it off once before. The letter then proceeds "and had mised of their dispatelihg his Majesty and myself." "We are all here so full of this damnable conspiraey that one cannot write of any thing else." In a letter dated July 13, the Duke writes "that the E. of Essex cut his own throte in the Tower yesterday to prevent the stroke of justice, tho he had not yett been indited. Lord Russell and three

others of the conspirators are condemned and are speedily to be executed."

On July 21 the Duke writes giving further news about the conspirators that he had been "all this afternone very busi of examining people about this develish conspiraey." Waleot, Rouse and Hone were hanged yesterday, and that this day Lord Russell was beheaded. "He behaved himself like a stout man, but not like a good Christian; said little, but left a most seditious paper signed by himself to be sent to the King."

The conduct of the Duke of Monmouth in consequence of his connection with the conspirators of this year caused much annoyanc to the King. Monmouth's restoration to favour troubled both the Whigs and the Tories, and he had to be again banished the court. In the correspondence of the Duke of York with Queensberry towards the end of the year 1683, the conduct of Monmouth comes in for a great deal of unfavourable notice. In a letter of December 8 he writes, "Yesterday Algernon Sidney was beheaded; he died stoutly and like a true republican."

1684.

On New Year's day 1684 the Duke writes to Queensberry "When I eome downe to you, Claueros [Claverhouse] "shall know I am not satisyd with his behauior to you." In a letter, dated Windsor, August 5 of this year, he writes, "I find by yours the Boots had done no good upon Spenee, and beleve him so stuborne, he will not owne what he knows." In another letter, written ten days later, he writes further, that "he was glad Spence began to speake." In a letter, dated St. James's, December 8, the Duke of York writing about the movements of the Duke of Monmouth, who was then privately in England and causing some alarm to loyal people, as appears from his letter, says "the Duke has been assured that Monmouth eame over in the same boat with Lady Henrietta Wentworth. Whether he is in England or not it will not hinder my being with you in March" [for holding the parliament]. Ten days later, writing again from St. James' about arrangements concerning the troops and other matters, he proeceeds "I am sorry to heare that Clauross" [Claverhouse] "was so little master of himself the other day at Counceell; both the Chancelor and Lundy gave me an aeeount on't, and of your temper not to take advantage of it. I had a letter from Claurous" [Claverhouse] "by the last post, who endevors to excuse his warmth by saying he took what was sayd as leveld at him; but of this more when Lundy shall be here."

1685.

The last letter in the collection written by his Royal Highness as Duke of York is dated, Whitehall, January 29, 1685, and has reference to a rumour of a new Indulgence to be made. He adds "but the King knows to well both the principles and praactices of the phanatiks ever to give them any indulgence."

King Charles the Seeond died on 6 February 1685, being eight days after the last letter quoted above. The Duke of York then beeame King James and he writes a letter to Queensberry on February 16 in whieh he assures him that "the change of my condition has made no alteration in kindnesse to you, having the same esteem and eoneideration for you as before," and adds other warm expressions of trust and confidence in him.

The original letters of King James the Seventh played an important part in a question which was raised regarding the credibility of the

records of the Privy Council of Scotland in reference to the attendances at the Council of the Duke of York. At a meeting of the Society of Antiquaries of Scotland held on April 11, 1855, a paper was read by the late Mr. Robert Chambers, an eminent member of that Society. The paper was headed—"On a curious difficulty as to evidence arising from an entry of the Duke of York's name in the Sederunt of the Privy Council at Edinburgh in July 1684."

Mr. Chambers explained that "in the record of the Privy Council, the first out of the five meetings after Perth's arrival, he being the new Lord Chancellor, namely, on the 15th, 17th, 22d, 24th July, the sederunt or list of Councillors is headed with the words "His Royal Highness, His Majesty's High Commissioner," being the style under which the Duke of York was recognised in the same record, when he attended the meetings of the Privy Council three years before. To look to this Record alone, and better evidence no one could ask for, the Duke of York was in Edinburgh during the month of July 1684, and presided as was his wont at the meetings of the Privy Council. His style does not head the sederunt of the 23d; one might suppose him to have been prevented from attending that day. It does not occur after the 24th; we might suppose that immediately after that day he had returned to London. The whole looks most natural and feasible, as an indication of a brief visit paid by the Duke at this time to the Scottish capital, in order to inaugurate those new ministers and councillors, from whom a more zealous service of the court was expected. Yet there can scarcely be a doubt that the Duke did not visit Edinburgh at this time and that the entry of his style in the Sederunt is a fiction.

"The most complete disproof of his presence in Scotland between the 15th and 24th of July 1684, would be, of course, an *alibi*. As yet however, means of establishing an *alibi* have not been obtained."

Mr. Chambers in continuing adduced indirect evidence for the purpose of substantiating his statement, proceeds—"It is worthy of remark that in the record which is a *transcript* of notes taken during the meetings, and usually appears to have been very carefully prepared, the *style* of the Duke is interpolated in a space too narrow for it, and thus clearly appears as inserted after the record was completed. In a transcript of the original minutes or notes this could scarcely be as the correction of an accidental omission. Far more likely it was the result of some afterthought, though proceeding on grounds unknown to us and which may never be discovered."

Although upwards of forty years have now elapsed since the late respected author of that paper read it to the Society, happening to be one of the members present at the meeting, I have still a recollection of the discussion which took place upon the subject. Mr. Joseph Robertson, another member of the Society, being himself officially connected with the Records, maintained their strict accuracy in shewing the Duke of York to be present in Council on the dates on which Mr. Chambers threw doubts as to his being in Edinburgh in July 1684. He would not allow the records of the Council to be doubted. Mr. Robertson, indeed, added emphatically that the "Records had triumphed over every objection to their accuracy." After that meeting, I recollect that His Grace the late Duke of Buccleuch and Queensberry, K.G., had in his private room at Dalkeith two volumes of holograph letters of King James the Seventh. I further remembered that they contained letters written by the King from Windsor and other places in England on one or more of the dates in which his name is entered in the Sederunt of the Privy Council at Edinburgh.

At the next meeting of the Society of Antiquaries, held on 11 June 1855, Mr. Robert Chambers read another paper entitled—"Supplementary Notice regarding the entry of the Duke of York's name in the Privy Council's record, July 1685" [1684]. The Supplemental Paper read by Mr. Chambers consisted of a letter written to him by myself. He introduced it by a few words admitting that the question as to the fact itself was now set at rest. As considerable interest had been raised on the subject, I may be excused for introducing here the letter which Mr. Chambers read to the Society of Antiquaries.

"General Register House, 25th May 1855.

"My dear Sir,—From the interest which you have taken in the question touching the evidence of the Duke of York having sat in the Privy Council at Edinburgh in July 1684, I know you will be glad to hear that I have found counter evidence which resolves the question in the negative.

"In the Privy Council Records, the Duke is entered in the 'sederunts' or list of councillors present, on the 15th, 17th, 22nd, and 24th July.

"But there are extant two letters, holograph of the Duke, addressed to the Lord Treasurer, who was one of his confidential correspondents on Scotch affairs, which show that he could not have been present at any of the four meetings. The first of these letters is dated the 22nd of July, being the third day on which the Duke is entered in the sederunts, and it bears to be dated from Tunbridge. Of course the Duke could not have been there and in Edinburgh on the *very same day*.

"But independently of the place and date, the subject matter of the letter is equally decisive that he was not present on the 15th when the Earl of Perth was inaugurated as Chancellor. The letter acknowledges receipt of one from the Lord Treasurer dated 15th July, 'by which,' (says the Duke) 'I am very glad to find that most of the loyal men are pleased at Lord Perth's being made Chancellor. I have not yett seen what passed at the Secret Comity, but believe I shall when in London, where I intend to be to-morrow. I came yesterday from Windsor, and when I return back thither, which I intend on Thursday, shall answer more particuarly your letter.'

"The Duke was thus receiving in England accounts of what was passing at the Privy Council at Edinburgh from his official and confidential correspondents there. If he had been personally present to hear and see what was transacted in council as the records erroneously bear him to have been, it was, of course, altogether unnecessary to inform him of the proceedings by letter.

"The second letter is dated at Windsor on the 25th. The Duke acknowledges receipt of a letter from the Lord Treasurer, dated the 17th and two from the Secret Committee. He expresses his satisfaction that the Treasurer had "made so good an understanding between the Chancellor and M. Atholl. 'Tis a very good service to the King."

"There is a third letter which is dated at Windsor, August 5, 1684, in which the Duke says, 'I find by yours that the boots had done no good upon Spence, and believe him so stuborne he will not owne what he knows.' Poor Spence was the Earl of Argyle's servant who suffered repeated and inhuman torture, first by the boots, and then by Dalziel's experiment of the thumblkins, and a hair shirt.

"From the intimation contained in the first letter as to the movements of the Duke from day to day, he appears to have been either in London or at Windsor on the 24th. But it is not necessary to fix at which of

these two places he actually was. Finding him at Windsor on the 25th precludes the possibility of his being in Edinburgh on the previous day.

"At the late meeting of the Society of Antiquaries, where the question was raised by you, I expressed an opinion that the records should be taken as good legal evidence of the Duke having been present in Council, until they were contradicted by better evidence of an *alibi*. I had not previously investigated the matter in any way. I certainly, however, expected that any investigation which might be made would corroborate the records. My leanings were all in favour of the accuracy of the records; but in common candour and fairness to you, I am now bound to confess that instead of being corroborated the records appear to be contradicted by the letters under the Duke's own hand which are the best of all evidence, and that the view which you and Mr. Macaulay entertained is fully established.

"The letters from the Duke of York to which I have referred are in the charter chest of the Duke of Buccleugh and Queensberry, who is the representative of the Lord Treasurer, to whom they were addressed, which is thus the proper legal custody. They have been examined by me with much care, at the sight and with the assistance of a gentleman of great accuracy, who has the more immediate charge of them and you may rely upon them being correctly quoted.

"An error being thus traced to the Privy Council Records, in so far as they shew the Duke of York in the sederunt of Councillors, the next inquiry should be for an explanation of such a startling mistake. This point I have not yet had an opportunity of investigating. I remain, my dear Sir, yours very faithfully,

"Robert Chambers, Esq."*

Wm. Fraser."

As the late Duke of Buccleugh and Queensberry was the legal custodier of the holograph letters of the Duke of York which decided his residence in England in July 1684, he naturally shared in the interest on the subject. I remember his Grace mentioned to me that he had explained the point to the late Lord Chancellor Brougham, who said he was very much interested to hear all about it, as a question of documentary evidence. Having myself been always much interested in legal evidence, more particularly in connexion with Peerage cases, I may be excused for recounting a reminiscence of a subject which happened to me upwards of forty years ago. From my lengthened connexion with the preparation of public legal records, I have no hesitation in holding that the entries of the name of the Duke of York in the sederunts of council arose from pure clerical error.

II.—THE HAMILTON LETTERS.

These letters were addressed by William Douglas, third Duke of Hamilton, to William Douglas, first Marquis and first Duke of Queensberry. They embrace the period from September 1, 1676 to July 11, 1685, and amount in all to eighty one letters, all holograph of Hamilton. Prefixed to each letter is a heading or rubric indicating the subject treated of in it. This will facilitate the reading both of the letters and the references to them.

The Hamilton Letters are not of so much historical importance as the letters of James Duke of York, which form the first division of this Report, or even as the letters of Colonel John Graham of Claverhouse,

* Proceedings of the Society of Antiquaries of Scotland, 1855–1856, pp. 118–120.

afterwards Viscount Dundee, which form the third division of this Report. But the correspondence of a nobleman who held such a prominent position as the Duke of Hamilton, in the affairs of Scotland, from the time of the Commonwealth to the reign of King William the Third deserves consideration.

The illustrious house of Hamilton has had several historians. The most noted of these was Gilbert Burnet, when he was one of the chaplains to King Charles the Second. His Work is entitled "Memoirs of the Lives and Actions of James and William, Dukes of Hamilton," and it was published in the year 1677. Much of the Correspondence, which passed between King Charles the First and James and William, the First and Second Dukes of Hamilton, is printed in that work. The author does ample justice to these two Dukes.

Under the authority of the late Duke of Hamilton permission was granted to me to make a careful inspection of the great collection of Muniments preserved in the charter room at Hamilton Palace. That inspection was made in the year 1879. The entire Collection of MSS., as finally discovered chiefly in, but partially apart from the charter room, formed the subject of three separate Reports. The last of these was submitted by me to the Commissioners on Historical Manuscripts on 15 November 1887. That Report sets forth the whole charters, correspondence and other muniments of the House of Hamilton from the time of King Robert the Bruce down to the date of the Report. It shews that William, third Duke of Hamilton, who was Lord William Douglas, being a younger son of the first Marquis of Douglas, married in 1656, in his twenty-second year, Anne Duchess of Hamilton in her own right. He was at that time Earl of Selkirk, having been so created in 1646, with limitations to him and his heirs male. After his marriage to the Duchess, the Earl of Selkirk set himself energetically to redeem the estate of Hamilton from the great burdens with which it was affected. He was fined in £1000 sterling by Cromwell; and his treaties and correspondence with him and Monck shew how carefully the Earl endeavoured to protect himself from further encroachments. After clearing off the heavy burdens on the Hamilton estates, Lord Selkirk took a more active part in public affairs. On a petition by the Duchess of Hamilton to King Charles the Second that her husband Lord Selkirk should be advanced to the dignity of Duke, the King granted a patent dated 12 October 1660, creating the Earl of Selkirk Duke of Hamilton, but for his life only.

The Duke of Hamilton being thus provided to the highest dignity of the peerage, made a resignation of his peerage of Earl of Selkirk in favour of Lord Charles Douglas his second surviving son. This son was created on 6 October 1688 Earl of Selkirk with the precedence of the original creation of 1646. His two younger brothers Lord John and Lord George were also respectively created Earl of Ruglen and Earl of Orkney. The Hamilton family were thus richly provided with peerages in the time of William Douglas, the third Duke. His Grace gradually became a power in the State, and began to assert himself in opposition to the government of the Duke of Lauderdale, who was Secretary for Scotland. Hamilton and Lauderdale had much correspondence on public business, as appears from the letters still preserved at Hamilton. Taking exception to some of the strong measures which Lauderdale pursued in Scotland, Hamilton began an opposition which was joined in by the Earl of Kincardine and several other Scottish Noblemen of influence. The King, however, did not encourage complaints against his principal minister for Scotland, and the opposition continued unavailing during the life of Lauderdale.

The Duke of Hamilton took a prominent part in the Revolution in favour of the Prince of Orange. He was elected president of the Convention of Estates at Edinburgh, on 14th March 1689, which declared the throne vacant and offered the crown to King William and Queen Mary. Hamilton was constituted High Commissioner by them in June 1689. He was again made Commissioner to the parliament which met on April 18, 1693. This was the last of the royal Commissions which Hamilton was spared to undertake. On his returning from London he died on April 18, 1694 in the following circumstances, as explained in two letters from his nephew, William, Earl of Annandale, dated the 17th and 18th of April of that year. Annandale writes :—"This night about 6 a'cloek Duke Hamilton came to this place and in all probabilitie cannot be mannie days in this world, for he is seized with a violent palsie which affects his head, soe as he speaks non, nor knows noe bodie, and hes lost intyrlie the use of his limbs. This distemper begun upon him att Darnton upon Thursday and hes increased by degrees evrie day since; soe that he is in a greatt measure spent, and is nott like to putt it off long. If his temper, constancie and good humor had been suitable to his parts his loss had been a greatt deall more sensible to the nation."

In his second letter Annandale adds :—"I can now tell you that Duke Hamilton died this morning about six a'cloek."*

Anne Duchess of Hamilton survived her husband for twenty-two years, and died in 1716 at the age of eighty. Four years after the death of her husband her Grace resigned all her peerages into the hands of King William on 9th July 1698 in favour of her eldest son James Earl of Arran, who was created Duke of Hamilton with the original precedency.

It was suggested that her Grace Anne Duchess of Buccleuch should follow the example of her sister Duchess and make a similar resignation of her Buccleuch peerages in favour of her eldest son, James, Earl of Dalkeith. But the Duchess of Buccleuch took a different view of the subject from the Duchess of Hamilton. In a letter written by the Duchess of Buccleuch to Lord Melville, dated London, September 3rd 1698, she writes :—"I would have put my son in fee of my estate when Gream would have had me given him half, but till I chang my mind, I will keep all the rights I injoy from God and my foifathers. I did not eom to my estate befor my time. I was my sisters aire, and I bliss God I have children whieh I trust in his mercy will be mine when I am dead. The Duehess of Hamilton is but a woman, and wee are not such wis creatures as men, so I will follow no exampull of that sort till I see all the nobill men in Scotland resin to ther sons; then I will consider of the busines."†

A few weeks subsequent to the date of this letter, the Duchess of Buccleuch, who in the interval had been thinking over the subject of the proposed resignation of her peerages, wrote another letter enlarging farther on the same subject to Lord Melville. Her letter is dated London, November 19, 1698 :—"As to the other proposition, I have given my answr as fully as can be express'd; so Ile say no mor to troubl you with the matter, only this, I'le nevr light anie body doun stares in my own hous, as the Empriour Maximilion did, for fear I should repent it. Tho' I love my child as well as anie body living ever lov'd ther own flesh and bloud, but will never be so blinded whilst I keepe my reason as to lessen my self in my own famelly, but will keepe my outhorety and be the head of it, whilst it pleases God to give me

* Annandale Family Book, Vol. II., pp. 74, 75.

† The Scots of Buccleuch, Vol. I., p. 459.

life. And I hope Jeams will have the witt to do so to, and Francis also ; and I trust in God a nevmourus race from him, and all of a mind to keepe ther own firmly, as ther old grandmother will do, who, God be thanked, hes not disgraced them. By this time, for all your gravity, I am sure you lawgh at your sister for so I am to you, but a man in my own famelly.”*

These two letters are thoroughly characteristic of the Duchess of Buccleuch, who boasted that she had never lost the Scotch heart that was in her.

At the date of the letters there were only two Duchesses in Scotland, Hamilton and Buccleuch, and it seems interesting to note here how those two Duchesses differed in their views about the resignation of their ducal peerages in their own lifetime. Both of the Duchesses lived to an advanced age, the former to eighty and the latter to eighty-one years. From the date of this proposal for resignation of the Buccleuch peerages in 1698, the grandson and successor of her Grace of Buccleuch had to wait for the peerages for the long period of thirty-four years, when, on her death in 1732, Francis, Earl of Dalkeith, became second Dnke of Buccleuch.

III.—THE CLAVERHOUSE CORRESPONDENCE.

This Correspondence forms the third division in this Report. The letters embrace the period from 16 February 1682 to 3 July 1685, and extend to thirty-seven in number. To assist in the reading of the letters, or in making special references to them, a heading or rubric has been prefixed to each letter.

The writer of these letters was John Graham of Claverhouse, afterwards Viscount of Dundee. He was a cadet of the illustrious house of the Grahams, Dukes of Montrose. The family were conspicuous for their bravery and warlike renown from the earliest period of Scottish history. Part of their extensive landed possessions was situated in the county of Forfar and known as Old Montrose, as far back as the time of King Robert the Bruce.

The lands of Claverhouse which gave name to the cadet branch were also situated in the county of Forfar near the town of Dundee.

There were several other coincidences between the chief of the Grahams and the cadet branch of Claverhouse, besides that of their being landed proprietors in the same shire. Both of them were educated at St. Andrews, the oldest of the Scottish Universities, and both were distinguished students. Both of them also were closely connected with the noble family of Carnegie, Earls of Southesk and also Earls of Northesk. The first Marchioness of Montrose was a daughter of David, first Earl of Southesk ; and the mother of Claverhouse was Lady Jean Carnegie, daughter of the first Earl of Northesk. Both of these Graham warriors distinguished themselves in the history of Scotland by devoted loyalty to their sovereigns and valiant deeds to save their thrones. Both of them also added lustre to the race long popularly known as the “Gallant Grahams.”

After having left the University and entered on his travels abroad, John Graham of Claverhouse was induced to serve for a short time in the armies of France and Holland. He returned to Scotland about the year 1677 or 1678 with the rank of Captain. About that time the troubles connected with ecclesiastical affairs in Scotland assumed a

* The Scotts of Buccleuch, Vol. I., p. 460.

serious aspect, and special measures had to be adopted in reference to the South Western counties. Captain Graham of Claverhouse was selected by the government to carry out their policy and he served several years in suppressing covenanters and conventiclers from 1678 and subsequently. The Earl of Linlithgow was then commander-in-chief of the forces in Scotland. As an officer under him Captain Graham reported to him his military proceedings periodically. His letters to Linlithgow were printed in a volume for the members of the Bannatyne Club in the year 1826, by the late Mr. George Smythe of Methven.

As Captain Graham held part of his commission in the West Country from the Earl of Queensberry, afterwards first Duke of Queensberry, as sheriff of the county of Dumfries, he also addressed periodical reports of his proceedings to him. These letters, containing his reports, have been carefully preserved at Drumlanrig, since the time they were received from Captain Graham. The late Mr. Mark Napier, who was sheriff of the county of Dumfries, and also the biographer of Montrose and Dundee, obtained permission from the late Duke of Buccleuch and Queensberry, K.G., to inspect the original letters of Claverhouse.

During the preparation of the lives both of Montrose and Dundee, Mr. Napier was in frequent communication with me as to several portions of these works. He consulted me repeatedly as to the form in which the original letters of Dundee should be printed. My advice to him was that the letters should be printed exactly as they were written in the originals, and not altered or changed to the standard of spelling applicable to the present day. Several of my friends gave Mr. Napier the same advice, but he followed his own opinion and altered the spelling of numerous words into modern form.

The letters of Dundee are characterised by energy and originality throughout; and no person reading them can misunderstand the object and aim of the writer. I had occasion formerly to deal with a separate collection of letters in the archives of the Duke of Montrose written by Claverhouse to the Graham Earl of Menteith in reference to the intended marriage of Miss Graham, a cousin of the Earl, to Claverhouse. These letters I printed exactly as they were written and without any alteration in the spelling.*

During the military service in Holland, Claverhouse was a dashing and promising young officer, and it has already been pointed out, in the notice of the Duke of York's letters, that on his return to Scotland, both his Royal Highness the Duke, and his brother, King Charles the Second, summoned him occasionally to court. Indeed the two royal brothers appear to have made him somewhat of a companion. Claverhouse relates in his letters a long walk he had with King Charles at Newmarket and states that their sports of cockfighting and coursing interfered with his own correspondence and dispatch of business. The favour shewn to him by royalty on these occasions created jealousies on

* The Red Hook of Menteith, 2 Vols. 1880, Vol. I., p. xxvi. Mr. Napier states that the sixty-four letters by Claverhouse which he printed, is the whole of his epistolary correspondence that he could discover to be extant [Napier's Dundee, Vol. II., p. 9.] He adds that forty of these sixty are printed for the first time from the Queensberry Papers. But in two other passages of his Memoirs he explains that all the Claverhouse letters preserved at Drumlanrig are only thirty-seven in number [Ibid., Vol. I., pp. 14 and 19.] In addition to these thirty-seven the other ten were overlooked by Mr. Napier in the Duke of Montrose's charter chest. These were afterwards discovered by me there. As they were passionate love letters written by Dundee, they form more interesting reading than his military dispatches, especially his letter on the defeat at Drumclog.

the part of some of the higher officers in Scotland, and complaints were made of his hot and impetuous temper in the Privy Council meetings. Still the Duke of York continued to entertain the favourable opinion he had formed of him. In the letters of the Duke of York to Queensberry many allusions to Claverhouse occur, and these are noticed in the Introduction to these letters in the first division of letters in this Report.

One of the letters from Claverhouse to Queensberry about his operations in the West Country, requires special notice. It makes reference to the military execution of one of the humble covenanters by Claverhouse. The letter is dated Ga[1]ston, May 3, 1685, and describes the execution as follows :--

"On Frayday last amongst the hilles betwixt Douglas and the Plelands we perscued tuo fellous a great way throu the mosses, and in end seized them. They had no armes about them, and denayed they had any ; but being asked if they would take the abjuration, the eldest of tuo called John Brown refused it, nor would he swear not to ryse in armes against the King, but said he kneu no King. Upon which and there being found bullets and match in his hoase, and treasonable peapers, I caused shoot him deaſ, which he suffered very inconcernedly." The letter goes on to show how the younger "fellow" called John Brounen, a nephew of the older made confessions to save his life.

The execution of John Brown who was known as the "Christian Carrier," created a wide spread outcry against Claverhouse. Wodrow's well-known narrative of the tragic event of shooting John Brown, as contained in his History is thus negatived under the hand of Claverhouse. His letter exonerates him of the charge of shooting John Brown with his own hand, as well as of the profane expressions in reference to the Deity attributed to him by the historian.*

After the discovery of the letter of Dundee on the execution of John Brown, Mr. Napier was in the practice of explaining to his friends that he had discovered complete proof of the innocence of Claverhouse. He arranged with the officers of the Society of Antiquaries to read at a meeting of the Society held on 13th July 1857 a paper with this heading :—"Original letter (hitherto unpublished) from Colonel John Grahame of Claverhouse (afterwards Viscount of Dundee) describing the military execution of John Brown of Priesthill commonly called 'The Christian Carrier' on the 1st of May 1685."

The Proceedings of the Society bear that Mr. Napier read an elaborate statement regarding the account given by Mr. Macaulay of the death of John Brown founded upon Wodrow's narrative. Although forty years have nearly elapsed, I well remember the meeting and the elaborate statement by Mr. Napier. It was in his usual vigorous style, and it was against the historical accuracy of Mr. Macaulay in quoting the fanatical and fabulous Wodrow, as Mr. Napier calls him. One of the Fellows of the Society of Antiquaries, Mr. Macfarlane, a well-known gentleman in Edinburgh, and who had corresponded with Mr. Macaulay when he was member of parliament for Edinburgh was present at the meeting. Mr. Macfarlane rose after Mr. Napier had finished his laboured statement. He declined to accept his attack upon Mr. Macaulay and hinted that Mr. Napier almost pleaded that a statue should be erected at Edinburgh in honour of the Duke of York and Claverhouse. Mr. Napier was disappointed that his elaborate statement had produced an effect contrary to what he intended, and the officers of the Society

* Wodrow's History (folio Edition) Vol. I., p. 503.

were also disappointed with the "elaborate" tone in which Mr. Napier addressed the meeting. His statement was cut down in the report of the Proceedings to a few lines as a mere preface to the letter of Dundee which was printed in full.

Being present at that meeting, I listened both to the elaborate statement of Mr. Napier and the speech of Mr. Macfarlane, who criticised it. I happened to walk home with Mr. Napier from the meeting. He was much agitated, and expressed a hope that the proceedings would not be reported in the newspapers.

The entire collection of the letters of Claverhouse preserved at Drumlanrig are here printed exactly as written in the originals all by the hand of Claverhouse, without attempting to modernise the spelling, about which by far too much has been made by several modern critics. As a rule the letters throughout are good business letters. Occasionally Claverhouse indulges in a little pleasantry. He had a project of raising a new troop in 1682 by selling the Bass Rock as he indicates in his letter of the 1st of March in that year. He says there is nobody to guard there, only "soled geese and ministers."

It will be noticed in the holograph letter by Claverhouse explaining the execution of John Brown that he says he "*caused him to be shot dead*" [No. 228]. A question has arisen whether Dundee was killed on the battle field at Killiecrankie, or survived some days after that battle, and wrote a letter to King James the Seventh congratulating him on his victory and stating that his wounds were not mortal. A copy of a letter in the terms here stated on the same sheet of paper as an alleged speech by Dundee to his soldiers at the commencement of the battle was first printed by Mr. Maepherson of Ossian fame; but no mention of the original of such a letter has ever been seen or noticed by any writer, and the letter has been characterised by Mr. Macaulay as being as "*impudent a forgery as Fingal.*" The latest evidence discovered as to the death of Dundee was a letter written by Thomas Stewart of Stenton, two days after the battle, on the evening of 27th July 1689. The letter is very precise, and in the course of it the writer says:—"My Lord Dundie was *shot dead* on the head of his horse." The words "*shot dead*" form the exact phrase used by Dundee himself four years previously when he announced the death of John Brown, after his execution.*

WILLIAM FRASER.

Edinburgh,
32, Castle Street,
October 29th, 1896.

SECTION I.—One hundred and nine Letters from James Duke of Albany and York, and three from him as King James the Seventh, to William first Marquis and first Duke of Queensberry, Lord Treasurer of Scotland, 1682–1685.

1. Promises to offer nothing to pass the King's hand but what had been seen by the Treasurer or Lord Chancellor (Sir George Gordon, afterwards Earl of Aberdeen.)

Windsor, June 3 : 1682.

Sone after I landed I recceuys yours of the 20 of May: but what with his Majesty being indisposed, and my going to and againe bettwene

* Report on the MSS. of the Duke of Atholl, K.T., Twelfth Report—Appendix, Part VIII., pp. 5 and 6.

this and London, I haue been in such a hurry that I could not write to you sooner then now that I am come hether; and even now I haue not so much leasur as to say so much as I haue a mind to, but to answer as much as I can of your letter. I shall follow the aduice you give me and not offer any thing to passe his Majestys hand but what has been seen by the Chaneeler or your self, and shall take care that no new pentions, or precepts be granted, but to those you may remember I speake of to you before I came from Scotland. As for what concerns L^d Halton, I thinke he did very ill in coming away as he did, tho he had my leaue, since you and the Chaneeler thought it necessary for the Kings service he should have stayd some few days longer. But for all that, I did not thinke it proper to send him back, since he could not have been there so sone as was desired: for I could not have done it, without speaking to his Majesty, and his Majesty falling sick the day after I landed, and it not being fitt for me to trouble him with any businesse till he was quite well, it was to late to send him the Treasurer Deput, to have been tyme enough for the meetting; and that being past I thought it would have been hard vpon him, that is looking after his privat concerne, with his brother, to send him away now till the end of this month, for by that tyme he will be able to see what he can do, for I beleve his brother will not hold out much longer being so very broken, both in understanding and body; besides, he says things may go on as well in his absence as if he were present. And pray do not fancy that the not sending him back, those things hauing happned as they did to hinder it, can be of any disreput to you that are trusted with his Majesties affairs, for you shall find I will stand by and suport you; and lett people haue a care that they do not mis-behaue them selves to you his Majestie trusts, for they shall not find their account in it. I have not tyme to say more, but that you shall still find me as kind to you as ever.

JAMES.

For the Marquis of Queensberry.

2. Introducing Sir William Sharp.

St. James's, June 25: 1682.

I could not refuse this bearer, Sir William Sharp, to recomend him to you in generall, hauing never found him behaue him self other wise, then as an honest man ought to do in what I haue knowne of him, whatsoever others may haue done; so that I hope you will use him accordingly, in the concerns he may haue with you; which is all I shall say now, this being the oniy subject of this letter.

For the Marquis of Queensberry.

3. Salary of the Earl of Morray as Secretary.

St. James's, July 5: 1682.

I haue been in such a perpetual motion ever since the arrivall of Mr. Wallis, that I haue not yett been able to gett him dispatched, but nope to do it by the end of this weeke, when we are at Windsor, all the papers being in Lord Morrays hands. He desired me to write to you about a concerne of his; it is, if I understand him right, about the mony he should have had as Secretary. You will understand it by what he wris, and can judg how far it is resonable, and methinks neither he nor the King should be suffrers; which is all I shall say to you till I send back Mr. Wallis to you.

For the Marquis of Queensberry.

4. Pensions of the Duke of Lauderdale and Marquis of Queensberry.

St. James's, July 15: 1682.

At length I haue gott all the papers you sent by this bearer, Mr. Wallis, dispatched, and not without some dificultes iu fees and pentions, and Duke Lauderdale had the confidence to presse his 2,500: pounds upon the exise might be continual to him; and truly 'twas not without some trouble I gott that overruled, as this bearer shall tell you at large, I hauing informed him of it. I have chargeo him to tell you why I did not thinke it fitt now to moue his Majesty about the precept of 1000: pounds for you as you proposed it. I have now seuerall of your letters to answer of the 6: and 8: both which I receued since I came last hither, and have spoken about the affairs of the Ile of Man, and other things you mentiond in one of the 29: of last month. I am glad to find by yours of the 6: that you have lett the Sherif of Boote have the take of the asisc herring, since it pleases the Advocat, and that his Majesties revéneu is advaneed by it. As for other things that are in that letter concerning Hopton, Sir W. Paterson and others, I shall speake with L^d Morray about them. I have not had yett tyme to speake with him about severall things you mention in yours of the 8: but shall do it this night or tomorrow. As for newse this bearer will tell you all that we have here.

For the Marquis of Queensberry.

5. He would have a careful eye over the Bishop of Edinburgh.—Lodgings in the Abbey for the Earl of Linlithgow:—affairs of the Mint at Edinburgh.

Windsor, July 22: 1682.

Since I wrot to you by Mr. Wallis I haue receued two of yours of the 8: and 11: whieh I defernd answering till now that Lord Morray is come. And yesterday, so sone as he arrived, I speake with him about the Sherif of Bootc tack, Sir J. Drummonds affaire, and about that little affaire you recommended conneerning Douglas of Stennouse. As for what you mention in yours of the 8: eoneerning the Earl of Linlithgows pretentions for the pay of the vacant offices, I shall enquire how the coustume is here, and then shall lett you know his Majesties pleasur conneerning it. The Bishop of Edinburgh is not yett arrived and I am of your mind as to his up coming, and shall have a carful ei over him, and in any thing shall do my part to hinder any new charge upon the Treasury; and I cannot immagin, if you can retrive any thing of the King's property in the Ile of Ila, why you should not endeavor to do it and to eneresse his revenew by any legal way. Since the writing of this I haue reeived yours of the 15: and cannot imm[a]gine why Lord Halton should refuse to depone, since the other officers of the mint made no dificulty of doing it. He had no assurance from me but that he should not be unjustly run downe by his enimys, and I always told him the truth must be known. It seems he thinks he has need of a new remission, for his sonne had, I must call it, the indiscretion, to presse me two days sinnee, for a new pardon for him, cuen now before the Commission has made their report. I told him it could not be done, and wondred very much at its being proposed. I haue now spoken with his Majesty about Lord Linlithgows pretentions concerning the pay of the vacancys in his regiment. He is of your mind, thinks it very unreasonable, says it is not done herc, and so will not have it done there. You will also receue a letter from his Majesty, I think this post, for some lodgings in he Abbey for Lord Linlithgow, if there be any to

spare. It was first drawne for those which Lady Peterborow had, but because I did not know whether D. Hamilton did not make use of them, I gott it altred, and put in the generall termes it is, that he, Duke Hamilton might not be discomodated, or disobliged. But, pray, if there be any to spare, lett Lord Linlithgow be aeeomodated, which is all I have to say at present.

For the Marquis of Queensberry.

6. Lord Ross ordered back to Scotland—Lord Sunderland was come back to court being pardoned at the intercession of the Duchess of Portsmouth.

Windsor, July 29: 1682.

I had not tyme the last post to lett you know I had received yours by the Bishop of Edinburgh, and another of the 20: by the post. He has not yett sayd any thing to me eoneerning the allowance you mentioned for the churh. When he dos you shall be sure I shall follow your advice in it. He has given me accounts of severall things there, and amongst the rest, of Lord Rosses behavior, which was not as it should be. I haue informed his Majesty of it, who will give Lord Morray order to signify to Lord Rosse that he is not pleased with his coming without leave, and commands his speedy returne into Scotland. As for what you say in yours of the 20: I see you had receaved myne by Mr. Wallis, and shall take care that no further burden be layd on the revengew till the state of it you are sending up be come. As for what you mention concerning Lord Linlithgows pretentions as to the pay of vaeant offices, I have already answered it in a former letter. As for the preeept eoneerning your self, I do not yett thinke it a proper tyme to moue his Majesty in it. As to the affaire of the mint, I shall take care that nothing be do [n] in it till the report coms hether. As for the Granadiers, I think tis better to eneresse the establishment then to take one man more out of a company: as for their being payd and clothed, it must be the same way the rest of the regiment are. I thinke I haue now answered most part of your letter. As for newse, Lord Sunderland is come back to court, and all his bypast faults haue been forgiven him at the intersetion of the Dutchess of Portsmouth, and his owning them, asking pardon, and giving all the assurances of good behauior for the tyme to come. Many honest men are allarmed at it, but not I. "Tis late and I must end my letter.

For the Marquis of Queensberry.

7. Case of the Earls of Mar and Panmure.—State of the King's revenue.

Windsor, August 6: 1682.

I was in such a hurry of businesse when I was last at London that I could not then answer your letters of the 25: and 27: both which I receiued there. As for what you say in your first concerning the Earls of Mar and Panmure, I thinke you did very well in it till I had knowne his Majesties pleasur in it: but before I speak to him about it, I would be willing to haue a true state of their case and how long they haue enjoyd it, how much the somme is, and whether it was upon valuable considerations, that I may the better informe his Majesty and be satisfyd in it my self, and be able to answer if objections be made; for I would not willingly engage my self and you in such an affaire as this unlesse I saw it would be gone through with. As for Lord Castlehill, he will be added to the exchequer as you desire, and the remission for Craignell will be dispatched also. "Tis but resonable, now that you haue taken

so much pains in his Majesties businesse, you should go downe into the country to look a little after your owne. With yours of the 27: I had the state of the King's revenu in Scotland, and am sorry to find after all the retrenement there is so smal a somme as 2107: pounds of over plus. Roughhead is not yett come as I know of, and when he dos I shall be carful that no new charge be imposed on the revenu; only I thinke that whilst this provost continuall his pention should be payd, which is not now much above a years; and to declare at the same tyme that it is to go off then. As to the affaire of the exise of that towne and shire, I shall take care that nothing be done without advising with you. I have not heard of any one pretending to Lord Nevoyes place in the Sessions, and shall take care that none but a good man shall fill it when vacant; which is all I shall say now.

For the Marquis of Queensberry.

8. Lord Perth and the Lord Clerk Register (Sir George Mackenzie, afterwards Earl of Cromartie) were come to London about the affairs of the Mint.

Windsor, August 19 : 1682.

When I was at London last, I received yours of the 10; and am much of your mind in most of what you have sayd in that long letter; and did read much of it to his Majesty to strengthen what I had already sayd to his Majesty upon severall of those subjects; and shall be carfull that none but good and proper men be put into any of the vacancys are like to be; and shall keep your letter by me as a memorandum, till all those things be fully settled; and when I see Lord Morray, shall speake with him about the officers servants to be alowd them as you propose. Lord Perth came to London on Wensday, after his Majesty was gone from thence, but the Register came not till the day after. They both came to this place yesterday, and I went with them to his Majesty, to whom they gave an aeeount of their commission. They sayd so much as has satisfyd him how much both he and the nation have been abusd in the affaire of the mint. The report was not read before him, but is to be on Thursday nixt in presence of all that are here of the Scots eouncil, till when I shall say no more to you of that affaire. All things go very well here. I am just now a going to London.

For the Marquis of Quecnsberry.

9. The Report on the Mint—Duke Lauderdale said to be dying.

Windsor, August 26 : 1682.

On Thursday the Report of the Mint was read to his Majesty here before those of his Scots councell, upon which he ordred a letter to be writen to Lord Chanceler, a copy of which you will receive from Sir Andrew Forester: by the which you will find that all Lord Hatton's places are to be disposed of. I have not yett spoken to his Majesty to reecomend any to him to fill them, but intend to propose Lundys being Tresurer Deput, who I do realy thinke as fitt a man as any I know for it. It was you your self that gave me the first hint of it, and I am sure he is one who will live very well with you. I am now going a hunting, and if I have tyme enough after I come from it, to speake with his Majestie upon the whole affaire, I shall open my letter and lett you know it. They say Duke Lauderdale is a dying. By the next post I shall say more of all these affairs.

To the Marquis of Queensberry.

10. To pay his brother's Bonds quietly—Duke Lauderdale's death—the Garter to be given to the Duke of Hamilton. Queensberry to be Governor of the Castle of Edinburgh.

London, August 29 : 1682.

Before I say anything to you els least I should forgett it this post, as I did the last, I must tell you that you[r] brother has spoken to me about the bonds which were given in for him, for the paying of so much out of the forfeited estates were given him. I aduised with Lord Morray about the best way of doing it, without noyse, who sent me word by Forester, that you might do it your self, and so no body need know it ; and so others not torment his Majesty to have the same favor done them. Therefore pray do what is necessary in that affaire for your brother, but so that it may not be knowne. When I wrot iast as you will have seen by my letter I did not then know of the Duke of Lauderdale's being dead, but I heard of it so sone as I came from hunting. The next day I spake to his Majesty that you might have the castel of Edinburgh which was then vacant. He told me you should, but before you had the commission for it, he would enquier into and regulat that as he had done all his garrisons and castels here in England, and in his other dominions. As for the President of the councell, he will not yett dispose of it, for besids that it is an unnecessary office, it would draw after it a considerable pention which I do not see his Majesties revenue could well beare. As for the Garter, I proposed Duke Hamiltons haung it, which would not only oblige him, but besids I thought that the whole nation would be glad to have one of their country men have it. At the same tyme I proposed Lundy's being Tresurer Deput, and Lord G. Drummond Master of the Ordinance in Lundy's place. And since his Majesty was resolved to keep the nomination of the Lieutenant of the Castel to himself, with the name of Lieutenant Governoour, I proposed Major White for that command, which he aproproued on. It will not be till Lord Morray comes out that your commission as Governoour can be dispatched, but then it will be done. It is now late so that I have not tyme to say more.

For the Marquis of Queensberry.

11. Along with his Majesty visited the new ships at Chatham—Duke of Lauderdale's offices partly bestowed.

St. James's, September 13 : 1682.

The last letter I received from you was of the 31 : of last month. I haue had others from you of an older date, which I have not had tyme to answer, hauing been almost in perpetual motion ever since I had them ; and now am just come from a smal water journay, hauing been with his Majesiy by water to see the new ships at Chatham, so that now I have only tyme to answer your last. And as to Lord Lauderdale's offices, I thinke I haue already told you that the President of the Councell will not be disposd of to any body. The Garter you know how it is giuen to Duke Hamilton. As for the report you heard of the Earl of Lauderdale's pretending to the title of Duke, nothing was ever sayd of it here ; and the Lord Kemnes [Kemnay] is come upon no bodys businesse but his owne (that I know of) which is to gett, if he can, the sorfitur of one Forbns estate for himself, if he cannot prove that man to be legitimat. It is late and I have not tyme to say more to you now, being to go a hunting to morrow morning.

For the Marquis of Queensberry.

12. His Commission for the Castle prepared—The Duke of Monmouth gone down into Cheshire.

London, September 16: 1682.

By the last post I reeived yours of the 7: and Lord Morray has order to prepare your commissions for the Castel, and company to, and for Major White as Lieutenant Gouerneur and Lieutenant of the company. As for what you propose concerning Captain Hume, I had long before I had your letter proposed another to his Majesty; but haue a project in my head for Captain Hume, which if it take will be better for him. As to the affaire of the Artillery, I shall as you desire know his Majesties pleasur, so that when Lundy returns he shall be fully instructed in it. For the affaire of the mint, I shall take care that nothing be done in it without aduising with you and hearing the aduise and report from the Commissioners. If Earl Lauderdale has not a good title to the 55: pound yearly out of Hoptons lead works, I know not why you should not call for it for his Majesties use. As for what you mention you were informed of concerning Sir W. Paterson and the Advoeats brother, I haue yett heard nothing of it; and when I do, shall be earefull nothing shall be done hastily or without sending to you. As for the newse you had concerning the Duke of Monmouth, 'tis so far from his eoming in or endeavoring it, that he is gone downe into Cheshire where there has been very disorderly doings, which haue very much displeased his Majesty. I thought to haue sayd more, but haue been sent for by his Majesty, so that now I haue not tyme to do it.

13. The affair of the two Scottish Seeretarys settled by the appointment of the Earl of Morray and the Earl of Middleton.

London, September 19: 1682.

The affaire of two Seots Seeretarys is now settled; and this day by his Majestys command, I told it to Lord Morray, who, tho you will easily beleve had rather have been alone, yett will be still very well provided for, for he is to have 2400: Ps. out of the pention and perquisits of the plaee, and Lord Middleton the remainder; with which, and the continuing to him the pention he already has, he is well pleased, rather then not be one of the two seeretarys. This day was a busi day in the city, where in the morning, one Riche a very honest man was chosen sheriff, in Box his roome, who had fined, and in the afternone the two old sheriffs meett with some of their factious party contrary to the Lord Majors orders, and in a riotous maner went about to pole for their two men againe, Pappillion and Dubois. But Lord Major went and commanded them in the Kings name to go to their homs, whieh after some tyme, and disorders committed they did. Tomorrow his Majesty has ordred the Lord Major to attend him to give him an aeeount of what past, and I beleve a commission of oyer and terminer will be ordred to sitt to enquire into the riot. I have not tyme to say more but that our people here are very harty.

For the Lord Marquis of Queensberry.

14. Sir John Coehran's affair of Carolina—Lord Stair[~] was landed in Holland, and was with James Stuart, the advocate, and other "phanatiks" there.

London, Oكتober 10: 1682.

I have now three of yours to answer, of the 25: 27: and 29: in the first of whieh I see you had been advertised of endeavors used to gett leave to eoyne the bullion now in the mint. But I was of your mind and told them that prest it, they must have pacience, till the commission

of the mint meett in November, and then adresse them selvs to them; and you may be surc nothing shall be done hastily in any thing that has to do with the mint. In your[s] of the 27: you giue me an account of Sir J. Cocherans pretentions. As to his affairs of Carolina, I wonder he should say I was satisfyd with all his proposals, for I told him I was not a competent judg of them, and gott them refred to the councell, whom I knew would take care that nothing should be granted to him but what was consistant with his Majestys service, the interest of the church, and the peace of the country. 'Tis true, I told him I was glad he and others of his perswation thought of going there, because they would carry with them disaffected people. As for the Lord Stair, I haue had notice from Roterdam that he landed there and his seconde sonne with him, that he was with Ja: Stuart, the advocat, and other phanatiks there, and had sent his sonne back into Scotland, and do expect a farther account of his behauior there. As to the Treasurer Deputs commission, I suppose it is drawn up in the ordinary forms, which you will sone see, he being on his way to Scotland. I am sorry to heare Lord Dalhousse is so ill, and shall take care that his Majesty shall not be surprised in the disposing of his comand. As to yours of the 29: what you say about Sir Wiliam Sharp is but resonable, therefore, do in it as you find expedient; and as it is but resonable, you should have a care his Majesty should not suffer, so I am sure you will see that at the end he may have his due. As to the solicitors place, there is no thought of removing him. I do not think the captains of Lord Linlithgow's regiment are in the right, for it belongs to the Colonel to looke after the clothing of them; but tis as resonable that care be taken that they [be] well clad, and that neither officer nor souldier be defrauded, and that both you and the generall are to looke to. I shall be sure to speake to his Majesty about Hamilton of Redhouse, when a vacancy happen in that regement. As for newse, you have heard how neare the pole went for Sir William Prichard: they are now a reviuing the books to see whether any gave their vots who were not free men, so that either this night or by the next post, one shall know who will be chosen by the city. In case it be an ill man, his Majesty will refuse him, and then they must go to a new election.

15. Petition from Lady Sutherland.

London, October 28: 1682.

This is only to serve for a cover to this enclosed petition, to me from the Lady Sutherland. If matter of fact be true, I do not see how for the tyme to come one can avoyd paying the annual rent as is prayd in the petition. Pray, lett me know your opinion as to this affaire, for till then his Majesty will come to no resolution in it. As for newse, you will heare what passes here from others, so that I shall only tell you that all things go very well herc.

For the Marquis of Queensberry.

16. Place of President of the Council not intended for the Duke Hamilton—the Fishery Company to be dissolved.

London, November 2: 1682.

Some days since I received yours of the 20: of last month, and shall be sure when I write to the Chanceler to recomend to him the frequent meetting of the Commission for the Treasury accounts, till they have perfected them. You did very well to undeceive Duke Hamilton, for I do not remember I ever gave any ground to any body to say that the President place of the Councell with a pention of one thousand

pounds was designed for him ; but, on the contrary, I declared against any bodys having that employment, because it would draw on the pention which his Majesty's revenue could not bear ; and besids, was of no use, but to serve for a pretence to gratify some one with the pention. And this I told his Majesty so sone as Duke Lauderdale died, and shall put him in mind of it againe for feare he should be surprised. As for what concerns the lodgings, I shall do as you desire, and to that of the pention for Mr. Kennedie. As to the Fishing Company, I haue spoken to his Majesty about it, who thinks as well as both you and I that that trade can never be carried on to proffit by a company ; and, therefore, is willing to have that company dissolved, and what remains of the mony he had there in his owne hands again ; therefore, lose no tyme in sending vp the draft of the letter and instructions concerning the dissolving of it. As for what concerns the Earl of Lauderdale, when the judg ordinary have done their part, his Majesty will then consider how far to have their sentance put in execution : in the meane tyme he nor his sonne have no reason to brag as to any of their plaees, but of that more another tyme. As for what you hint at concerning Sir George Lockhart, I have realy forgott what it is ; therfore, you should lett me know againe what it is. I am just now told Duke Hamilton is arrived, and is now a coming to me that I may present him to the King. As for newse, all things go very well herc. Lord Shaftsbury still abseonds. Sir Tho: Player has not been seen these five or six days ; and one Witaker that was accused of treasonable words is fled, and has left his seurity to pay for him ; and 'tis thought more of that tribe will take the same course.

For the Marquis of Queensberry.

17. Arrears of pay to troops should come from the Fishing Company.

London, November 14 : 1682.

You will by the last post have had from Lord Morray the letters you desird eoncerning the Fishing Company, and if the arrere due to some of the last raised troupes be not yett payd, I thinke the mony that will come from the fishery to his Majesty cannot be better employd then to pay those arrears, being a thing that must soner or later be done ; and I remember that before I left Scotland Lord Mar and his officers speake to me about it. All things go very well here, and this weeke we shall know when the affaire of the Quo Warranto will be ended. I thought to have sayd more now but have not tyme.

For the Marquis of Queensberry.

18. The Chancellor's Patent was preparing (to be Earl of Aberdeen). The Duke had got the better of Pilkington who was fined 100,000*l.* sterlinc, for the words he said of him.

London, November 24 : 1682.

What I could not do by the last post I must do by this, and answer the rest of yours of the 15 : and shall be sure to speake to one of the Secretarys as you propose concerning the Lady Sutherland's affaire. As to what you say concerning the Chaneeler, I thinke it very resonable, and desire you to propose what you say may be of aduantag to him, and of no prejudice to his Majesty, and shall be sure to solicit his Majesty for him, who I know had rather he should have things of that kind then others whom you say are not very significant to him. His patent is now a drawing, but I thinke such a letter as you propose is not necessary, for in the patent will be enumerated the loyalty and suffrings of his family, and I am for doing and not saying he shall be

requited ; and, besids, it might be a preeedent for others, to torment his Majesty ; therefore, you need not send downe the draft of such a letter, for the thing must be done without it. As for my having a troupe of Gards, I thanke you very kindly for proposing it to me, but do not thinke it fitt to be done now ; and when the project concerning Lord Balcaris his troupe gos on, I shall be sure to keep the cornets placee for who you shall name. I do aproue of your sending one hether, as you and the Chaneeler propose, to giue information of those invasions haue been made on his Majestys property. The sooner you do it will be the better, and I am sure you will chuse a fitt man for it. As to the affairs of the mint, I thinke you and the Chanceler would do well to send me your proposals concerning the futur ordring and managing of the mint, and that by no means you ought to stay for the close of the processe against the Earle of Lauderdale ; and am of opinion that what so euer offeir shall haue been found guilty, he ought not to be employed any more there. As to the Lord Maitland, I wrot my mind to the Chaneeler about him by the last post, so that I need not repeat it. I thinke I told you in a former letter that Lord Perth had neuer to my knowledge meddled with any Treasury affairs. As for newze, this day I had the better of Pilkington upon the Statute of Scandalum Magnatum, who was fined one hundred thousand pounds for the words he sayd of me, whieh is another mortification to the Whigs.

For the Marquis of Queensberry.

19. Lady Errol's Lodgings in the Palace of Holyrood—Claverhouse's presence necessary in Galloway, and he need not fear anything Stair might say of him.

London, December 2 : 1682.

I had not tyme by the last post to answer yours of the 21 : which now I shall do ; and to begin, I do not heare that Lady Arrol has any reason to be allarumed that she shall be put out of the lodgings she is in, Duke Hauilton hauing sayd nothing of it here. I do not beleve he would do it, he being so much her freind ; but I doubt whether it would be proper to gett a warrant from the King for hir keeping them, since as I remember they belong to the housekeeper, and that as such Duke Hamilton lent them hir. I shall take care that no new pentions or precepts shall be granted. I see that you and the Chanceler expect I should name some one to you to be sent up hether by you to giue an account of the Treasury affairs, but I thinke you on the place are better judges then I ; therefore, pray, do you thinke of some fitt man to send up with them. As to what concerns the Castel, I shall answer that by the next. I am absolutly of your mind as to Claueros, and thinke his presence more necessary in Galloway then any where els ; for he need not feare any thing Stairs can say of him, his Majesty being so well satisfyd with him. I am sorry that that little gift whieh was beged by one of the Dutchess of Portsmouths women could not be done, and that it was transacted before the order came to you, but for the futeur I shall care that nothing of that kind be given away here. Since the writing of this I have receved yours of the 25 : but it being late, and I hauing been a hunting must defer answering it till the next post.

For the Marquis of Queensberry.

20. The Master of the Ordnance—Lieutenant Colonel Bachan appointed to the late Lord Dalhousie's regiment.

London, Deceember 4 : 1682.

By the last post I had not tyme to answer yours of the 25 : of November, and do it now a day before the post, being to go a hunting to

morrow. I gave last night his Majesty an account, in presence of the two Scots Secretarys, both of what you and Major White wrote to me about Lieut. Gen. Drummonds pretentions as Master of the ordinanee ; and it is his Majestys pleasur that that affaire bc regulated there as it is here, of which you will have an account from one of the Seeretarys ; so that I need say no more on that subjeet ; and have read over both L : G : Drummonds and Major Whits proposals for the necessary repairs of Edinburgh Castel, of which an estimat must be made by the Master of the Ordinance and given to you as Lord Tresurer, to be sent up hether for his Majestys order upon it. I am of your mind as to the Justice Clarks place, and shall when I see a fitt tyme speake to his Majesty about it ; and shall by the next hane knowne his pleasur as to the gratuitous pentions ; and the referring it to some of you upon the plaece, to give him your advice about settling of the mint. As to the affaire of Crightons remision, I haue not yett read the depositions you haue sent and so cannot say anything upon it now. The Lieutenants place in Stirling Castel is giuen to Lord Morrays brother, and was promist him long before I had your letter. Since the writing of this I spake with the Secretarys about the affaire of the mint, who have put me in mynd that in a letter from his Majesty to those who had examind that affaire of the mint, they had directions to propose to his Majesty a method for the futur regulation of it, so that what you proposed is done already. I haue just now reeived yours of the 28 : Nouember with the state of his Majestys revenu and am sorry to see it has so great a burthen upon it ; and shall shew it to his Majesty that he may see to hold his hand from adding any more pentions to those are already. I am sorry to hear Lord Dalhousie is dead. There were many pretenders besids him you mentiond, who tho worthy deseruing men, yett his Majesty thought it neecessary for his servicee to haue some good old officer in that regimeut, and so has given the Lieutenant Colonels place to Lieutenant Colonel Bohem, who is now in Holland, the Major to the eldest Cap : Balfour, and the vaeant eompaupy to Fleming who is Captain Lieutenant, and leavs it to Lord Mar to name his owne captain lieutenant. As for the sherifship, I will speake to his Majesty that the Chaneeler may haue it. I see you continu still of the same mind for a letter to be writen by his Majesty in fauor of the Chaneeler as you proposed some tyme sinc : and tho I confesse I did not thinke it neecessary, yett sinc you thinke it is so, and that it will be of countenance to him, if you will send a ruf draft of such a letter I will offer it to his Majesty ; and tho it is proper to leave a blanke as to the somme, yett pray in your letter lett me know what it is you would propose it should be. As to Lord Castelhill, I will move his Majesty he may be of the eouneell, but do not lett it be spoken of till the letter go downe. You will haue an account from one of the Seeretarys of his Majestys pleasur eoneerning Mrs. Roehes affaire. I will also speake to his Majesty about Posse. I must now tell you that his Majesty has been prest to renew the Duke of Monmouths order for his being alowed his defalcation out of the sesse, as the Lords of the Session are, and as he was before you were Tresurer ; upon which I shewd his Majesty what a greuance it was to all the rest of Scotland to haue him and the Lords of the Sessions exempted, when they all pay ; upon which his Majesty seemd to be satisfyd none of them should be freed from bearing there equal burthens with their fellow subjeets. However, I would not presse him to eome to a positive resolution till I had aduised with you and the Chaneeler about it, to know whether it be resonable to take it from every body : for besids that, I thinke it resonable that in such a tax as this is all should pay ; and I foresee that if they haue it continueud to them the Duke of Mon-

mouth will obtain it allso. Therefore, pray, lett me hane your opinion of this, and know how long the Lords of the Session haue been in possesyon of it, that I may the better know what to offer to his Majesty upon it.

For the Marquis of Queensberry.

21. Major White to haue a pension—Duke Hamilton's proposal to increase the Revenue by a Company of Brewers declined—Lord Shaftesbury was at Amsterdam and made a burgher of that town.

London, December 12: 1682.

I was a hunting on Saturday so that then I could not answer yours of the 2: in which you give me an account of what you had done as to the Fishing Company. What you say in it concerning Lord Aran, is the first newse I have heard of it, for I never heard on word sayd of it here, and sure if he had had any such thought I should have been spoken to about it. Nor is there the least ground to beleve that Lord Linlithgow should be layd aside. I am sorry I did not soner know what you say concerning Major White; because, before I had your letter or his, both the lieutenant colonel and majors place were disposed on, and the commissions signed; and, besids, I do not thinke his continuing major to the regiment could have well consisted with the command he has in the Castel; but, however, 'tis not resonable he should be a loscr, wlen good was intended to him, and that he should have a peution to make it up to him. Therefore, pray, lett me know what it should be, and send me the draft of a warrant ready drawne with the somme you judg resonable it should be, that I may offer it to his Majesty. What you propose as to the gunners, I thinke very resonable to be done; so that you would do well to put it in a way. Duke Hamilton went away from hence yesterday morning, and I thinke in good humor. He shewd me a letter he had, as I remember, from one Hamilton, a brewer, in which he proposed, that he and partuers would, when the present tack shall be expired, give one thousand pounds a yeare more then his Majesty has yett had, for to have the tack of the towne of Edinburgh, and one or two of the Lothiens; and this superplus as he called it, he, Duke Hamilton would have had me moued his Majesty that he might haue it, since it was a new thinge, and no deminution of the present reveneu. But I told him it would be still an improuement, if gained, and that his reveneu had need to be improued; and that I was sure you would improue it as much as could be, and that this could be no new thing to you, tho it was to me, and that I could by no means agree to his hauing that. I tell you this, that you may be prepared when he speaks to you upon this subject. I cannot judg, whether the brewers proposal, if made to you, be a good one; but you on the place, will be the best judg. All thing[s] go very well here; and by the Dutch letters we had on Sonday, are informed that Lord Shaftesbury was at Amsterdam, had taken a house there, and was made a burger of that towne.

For the Marquis of Queensberry.

22. Was glad he found he could raise considerable fines in Galloway. The Bishop of Edinburgh proposes to have a house built for himself.

London, December 16: 1682.

Yesterday I receued yours of the 9: by which I am glad to find you thinke you may raise considerable fins from Galloway, and other disaffected shires. By the next post I shall lett you know his Majestys pleasur. As to the gratuitous pentions, for all the report ycu haue made concerning Lord Tweddals affaire, he, by his sonne that is here, presses

as hard as ever to be considered as he calls it ; but I told him I could not moue his Majesty in it against the report you, his great officers, have made. The Bishop of Edenburgh has made a proposal, about building of a house for him and those that shall succeede him in that bishopric, which seems very resonable to me. I know it must be done by the councell, where, pray, forward it. I have been desired by your countryman, Mr. Brisban, to recomend him to you, that in case any place could be found for him, that might be executed by a deput, of some profit, you would lett him haue it : for, tho he haic a good place here, yett it is not so profitable to him as is thought ; and, besids, he has many masters, some of which do not love him, and so at last may find means of laying him aside. I haue not tyme to say more now.

I had forgott to tell you, 'tis now tyme to send me the name of him you would recomend to be cornet to Lord Balcaris.

For the Marquis of Queensberry.

23. Recommending Sir Patrick Maxwell.

London, December 20 : 1682.

This bearer, Sir Patrick Maxwell hauing brought a letter to me from you, and desiring to carry one back to you, I could not refuse it him, and to recommend him in generall to you. You know him better than I, so that I need say no more, he will not [sic] so sone with you ; so that I shall say no more at present.

For the Marquis of Queensberry.

24. To pay an old precept in favour of Lady Cassillis.—Letter in favour of the Chancellor, &c.

London, December 27 : 1682.

Before I answer the last letters I had from you, I must lett you know that his Majesty has commanded me to signify his pleasur to you, that you cause pay this old precept, which I send you here enclosed, to the Lady Cassilles, as sone as conveniently you can ; and he took this way of signifying his pleasur to you by me, that it might be done so that others might not torment him for the like fauor. By the last post I had not tyme to answer yours of the 16 : and now I can tell you that the rules concerning the master of the ordinance will be sone sent downe to you, and are such as will very well agree with methods where you are. As for what concerns the Justice Clarke, and the gratuitos pentions, his Majesty has not yett declared his pleasur. As for the letter in fauor of the Chanceler, I am absolutely of opinion that it should be to the councell and not to the exchequer, and should only be in generall terms, that his Majesty will repaire and raise the family ; which will be better for many reasons, for him as well as his Majesty, then if it should go by the way of precept. Therefore now lose no tyme in sending np to me a draft of such a letter for the councell. What was written to you of my telling the Secretarys what you sayd in one of yours in favor of the Chaneeler is true, and I thought it necessary that they should know you thought it resonable as well as I ; and I did not thinke they would have taken notice of it againe as I see they haue done ; but for the tyme to come I shall be more cautious. Posse's warrant is signed or will sone be. I have now given his Majesty an account of what the Chanceler and you wrot about the Lords of the Sessions ; and by the next post you will have a letter to make them pay next Whitsontyde. I thinke you answered Lord Melvine very well. The Generall had writen up here for one of the cornetts to haue the vacant lieutenants place in the Dragoons. But since you desire it for your cousin, James Murray, I will move his Majesty in it, and will bid

Lord Charles Murray lett the Generall know that he that you have recommended must have it, but that for the tyme to come his rules shall not be broken into. Since the writing of this I haue had yours of the 19: and thinke what you propose concerning Major Whit very resonable, and aproue very well your reducing fower men to have a chirurgeon. As for Clackmanan, he was recomended to me as a very fitt man, as hauing had a company in Lockharts regiment, been in seuerall engagements at sea, and of a very good family; but I shall remember those recomended him to me, upon which you say orders shall be given for the Commission for Sir James Douglas.

For the Marquis of Queensberry.

25. Hurt his knee by a fall at hunting—Hopes to be well by the end of next week to go hunting again.

London, January 4: 1683.

This is only to tell you that I haue had yours of the 26: of last month, but till next post cannot answer it; for hauing hurt my knee a little with a fall I got on Tusday as I was a hunting, I was obliged to keep a[t] home yesterday, and tho I am better this day, and was at Whithall, yett I could not stand long enough, to speake with his Majesty of businesse. But within a day or two I shall, and hope to be well enough before the end of next week to go a hunting againe.

For the Marquis of Queensberry.

26. The King would not consent to the Duke's proposal in favour of the Marquis—the first fines were to go to the repair of Stirling Castle.

London, January 11: 1683.

Yesterday was the first day my knee would giue me leaue to stand since my falle, so that soner I could not speake to his Majesty about what you wrot concerning your self, and am sorry I could not succeede in it, tho I assure you I prest him as much as was decent for me to do. And when I could not preniale, desired he would be pleased not to tell any one of it, so that it will not be knowne; and this he bad me tell you, it was not out of any unkindnesse or any other reason, that he did not do it, but because such a somme as that was a very considerable one in that kingdome and that the first monys could be gott out of such concelment or fines he was resolved should go towards the fortisg of Sterling castel, and securing of that so considerable a post; and he intends this spring to send downe the best ingener he has to viue it, and to see what is to be done to it. I speake with the Secretarys about what you wrot concerning the wards, who tell me that what you desire they should signify to you as his Majestys pleasur concerning it, is already in your instructions; but if it be not so full as is necessary in them, send up a draft of such an order as will do it. As for the old decrepid souldiers, I am of your mind that you must be rid of them, but thinke that some care must be taken of them to, and shall enquier what method is used here in such cases that the like may be done there. I haue spoken to the Secretarys about an order as you desire for the beds. In yours of the 2: you told me that by the following post I shoule have a letter sent me up about the Chancelor's affaire, but yett none such is come. I am cleerly of your mind in it, and shall have it alred accordingly, when it shall be sent up, and shall lett no body know you have sayd any thinge to me of it. As for the cornetts place, since Sir James Douglas will not haue it, it is disposed of to Fletcher, who had a promise of such an employmant, and is a very honest fellow. I find you are not yet ready with your report anent the mint. I am sorry to heare the

Prouost has behaved himself so ill. What will the Bishop of Edenburgh say to it? As for newse, there is little sturing here, and now we shall sone see whether there will be peace or war beyond sea. I hope the Turks coming into Hungary will have one good effect, which is to make peace in Christendome.

For the Marquis of Queensberry.

27. Not known where the Duke of Monmouth then was. It is said that he is keeping in hiding to avoid being a witness against Mr. Hamden, &c.

London, January 12: 1683.

I haue had yours of the 3, and Lord Middleton has spoken to me about the seuerall things you wrot to him of, and from him you will haue an answer of them: so that I need say nothing upon them, and the affaire of your sister will be dispatched as you desire. All things go very well here, and we here do not know certainly where the Duke of Monmouth is, but beleue he is beyond sea, but where cannot certainly say; and beleve he will not faile to make a visite to his friends of both nations, which are in Holland. 'Tis sayd by some he is out of the way for feare of being obliged to be a witnesse against Mr. Hamden, and some others of that seditious party. I thought to have sayd more but have been interrupted as I was a writing, and it is now so late, that I must end.

For the Marquis of Queensberry.

28. To try to find some little forfeiture or fine for Captain Hume.

London, January 13: 1683.

This bearer, Captain Hume, has served so well, and is so good a man, that I could not refuse to write by him to recomend him to you, that if you can find any little forfitur or fine, that might be proper for him, that you would send up the draft of such a gift up hether, to me, that I might gett his Majestie to signe it for him. You may remember you recomendend him to me when he came up hether, and could I have found any thing for him here, I should have gott it done for him. I wrot to you by the post yesterday, so that I have no more to say now.

For the Marquis of Queensberry.

29. In favour of young Langtoun.

London, January 24: 1683.

I could not refuse this bearer, yonge Langtoune, who has been long soliciting his fathers concerns, to write to you by him, to desire you to send up to me, a true state of his case, that his Majesty may be the better judg of his pretentions; which are, that of right, he aught to have the full of the pention, or salery he had before your tyme. I confesse, I cannot thinke he can make it out. However, 'tis but reasonable to know the truth of it. What els I have to say I intend to write by the post tomorrow.

For the Marquis of Queensberry.

30. The King would not sign the precept in favour of the Chancellor — gifts out of forfeited estates:—The Duchess is now quite recovered and sees company.

London, January 25: 1683.

I had writen to you by the last post but for the Dutchesse indisposition. Having since Sonday not had a good oportunity of speaking with his Majesty about the Chancellors affaire till to late on Tusday to write,

when I proposed to him the signing such a precept, as that which you sent me downe, in fauor of the Chanceler, in yours of the 13 ; and did represent to his Majesty the suffrings of his father, both in life and estate, and what els was proper to be sayd upon that occasion, of all which his Majesty seemed very sensible ; and, tho he sayd he would realy do the thing and make a good prouision for him, yett for many reasons, which are to long for a letter, and for the consequences of it, he did not thinke it proper to gine him such a precept now : but would lett him haue gifts of things as they fall, and as any concealment of his reveneu, or such other things are made out, that may capacitat him to do it. Pray, tell the Chanceler this from me, and satisfy him that his businesse will every whit as well be done this way as the way you proposed of the present precept ; and his Majesty charged me to tell you, that when any such thing came in his power to dispose of, that you should lett me know it that the Chanceler might have it ; and I thought it was better acquiesing in this then presing his Majesty to much, when it could be as well done his owne way. The Tresurer Deputs warrant, which you sent downe, is dispatched. As for what you mention concerning the Master of the Ordinance, the Secretarys tell me he is only to make the estimats for any repairs which you are to send up, and to be assistant to you in making any bargins but not to touch the mony, and so not lyable to account for it. However, if the instructions be not cleer, send up to me what alterations or additions you thinke necessary, that it may be considered on and mended here. What Major Whit proposes concerning himself as to the Majors pay, is I thinke very resonable, that he should have it till the new Major was receud. You will haue such an order as you desired concerning the repairs of the Abbe house. I haue yett heard no more then what you sayd to me concerning the gift out of Argils forfitur to the Captain of Clauranold. I am sorry to heare the old Generall has been ill. As for what you propose concerning your hauing a warrant from his Majesty to empower you to employ such aduocats as you thinkē fitt to assist the Lord Aduocat in processes of his Majesties, depending before the Lords, I thinke you would do well to speake with the Lord Aduocat about it, and to haue his concet to it, for other wise he might haue reason to take it ill. I do not remember that euer Lord Oxford spake to me about hauing any of the rebels estats, and consequently that no promis of that kind was made to him ; and if he can find out any that haue been in the rebellion, and could not be found out, nor forfeited by any other way, but by his means, 'tis resonable enough he should [have] a good share of the discouery. I haue now I thinke answered most of what was in your letter ; and so shall say no more now, but that God be thanked the Dutchesse is now quite well againe, and sees company this night.

For the Marquis of Queensberry.

31. "Clavers" (Claverhouse) pay as Colonel—Clanranalds signature stopped—Lady Frazer's pension not to be paid if not in the List—Lord Balcarres' pension to be continued as reduced—Death of Lord Shaftesbury.

London, January 30: 1683.

I have now only yours of the 20 : to answer, and as to what you proposed as to a letter anent the fewes, it will be sent to you ; and what you desired both for Mr. Wallis and Smith will be expedēd ; and from the Secretorys also you will haue an answer as to what concerns the old and deerepit souldiers, intelligence mony, and Clavers pay as colonel. As for the Captain of Clanranalds signatur, you are in the right to stop it, till that whole affaire be reported to his Majesty by the Lords of the

Sessions, and care shall be taken that till then no more such kind of signaturs shall be past. As for the Lady Fraziers pention, if it be not upon the list was sent downe to you since you were Tresurer, it is not to be payd ; and for Lord Ballearis his pention as retrenched, is to be continu'd. I had, before I had your letter, writin into Holland in Captain Bruce his favor. I have now answered most of your letter. In a letter I had from William Drumond by this last post, he tells me he has spoken to you about some little convienency for those who attend the Magazin, and a roome for himself, where he may meett with his officers about his businesse, and that you only expected directions from hence to do it. If it be so, I thought it not necessary to haue any orders sent to you to that purpose, but only to tell you that I thinke it resonable, if there be roome for it. You will haue heard of Lord Shaftesbury being dead. I do not heare he is at all regreded by his owne party.

For the Marquis of Queensberry.

32. Lord Oxford had written desiring to get such of the forfeited estates as he could discover.

London, February 17 : 1683.

I haue now yours of the 8 : to answer, and cannot find the paper that Lundy left me of the establishment of the Artillery company ; so that you must gett one drawne there and send it hether. As to what you say concerning the lodging of the Master of the Ordinance and his storekeepers, I supose he will be resonable in it, and not aske more then will be absolutly necessary. I have had a letter by the last post from Lord Oxford, in which he desires his Majesty would give him such of the forfited estats as he could discover, which were not yett knowne to be so, but of this I need say no more, because Lord Middleton will write to you about it ; only this, you see that in any thing which concerns the reveneu nothing shall he done without consulting you. As to the draft of a letter you sent up some tyme since for me to gett signed, for raising process against such an imbeazel the Kings rents and casualitys, I haue shewd it to the Secretarys, who are of opinion it is a thing which would very much alarum most men of quality and estates where you are, and might give them much trouble ; that without such a new letter to you, you might enquire, by the instruction you already have, into any ons estate, and actions, to see if he keeps what he aught not from the King. Pray, consider of their reasons and lett me know whether you thinke they have waight enough to hinder the passing of the letter you desire to haue. As to what you propose concerning Claures captain lieutenen, tho' those in such employments have the name of captain, they never have but lieutenents pay ; so that tho' he may deserve well, such a new president as that must not be made. The letter for the Earl of Morton will be dispatched, and the order for the beds will be sent, and care shall be taken, that no discharges of the two years rents shall be granted. I thought to have sayd more, but it is so very late I have not tyme to do it now.

For the Marquis of Queensberry.

33. If the "disaffected" gentlemen of Clydesdale come to London, they should have little countenance—Argyle's charter chest.

London, February 24 : 1683.

Yesterday in the evening when I came from Windsor, I receved yours of the 17 : and by it find I am to expect within a few days to heare from you by one we all may trust. I see by it to, that some of the disaffected gentilmen of Clidsdale are withdrawn. If they come here they

shall have little countenance. Sir William Sharps businesse is agreed to as you sent it up. As to the matter of protections, before the Counells letter came the substance of what was proposed by them was done, in a letter which went last post. I shall take care as to what you mention concerning the few dutys and am glad you haue made so good an end of the affaire of the fishery. A letter is signed to the Lords of the Sessions concerning the arms which were in Lord Argils hands, and his charter chiste, as you proposed. I haue not tyme to say more, but that all things go very well here.

For the Marquis of Queensberry.

34. To let Captain Creighton's pardon pass, as he behavcd so well since his misfortune.

London, March 2 : 1683.

I receved this afternone yours of the 24 : of the last, with the papers you sent enclosed in it, and have given the establishment for the artily to Lord Morray to compare with that which I had from Lieutenant General Drummond ; so that till I shall be at Newmarkett, I cannot have an account of the difference that is bettwenc them, and you may be sure I shall be as little as possibly, for encressing of his Majesty's charge. I have not tyme now to answer the other parts of your letter, it being now late, and I to go very early to morrow, till I am at Newmarkett where I shall haue leasur to do it. I must now desire you to lett Captain Creightons pardon passe, which has been so long stoped, hauing reason to beleve, the fact was not so bad, as was represented ; for I sent up a true state of his case to the Chanceler, that I might know what the others could say against it. But, tho it was sayd it should be answered, many posts are past, and none come, so that I desire yow to passe it now ; for I am sure that ever since that misfortune, the gentilman has had a very good caracter where soever he has served.

For the Marquis of Queensberry.

35. Had discoursed with Clavers about what the Treasurer and Chancellor had charged him with.

Newmarkett, March 9 : 1683.

Yours by Clauers I receved since I came, and have discoursed with him at large of what you and the Chanceler had charged him with ; but, there being none of the Scots Secretarys here, have not yett troubled his Majesty with the reading of the draft of the letter he brought up ; so that as to the pubblike affaires I can yet say nothing. But as to some jealousy you had that some might have done you ill offices to me, I assure you, there is no such thing, and you cannot desirc I should be better satisfyd with you then I am ; and am very sensible how well you serve his Majesty, and how true a friend you are to me.

For the Marquis of Queensberry.

36. Lord Ross's wish to serve in Clavers' regiment.—Clanranald's signature to be stopped till the pretences of Argyle's creditors were discussed.

London, March 27 : 1683.

Now that I am come to this place and haue leasur whieh I had not at Newmarkett, I shall answer many things which were in severall of your letters ; and to begin with what Lord Rosse proposed, to be licutenant colonel to Clavers, it is what cannot be, there being to be no

such officer amongst the horse, in any of his Majesty's kingdoms. If he haue a mind to be major, I will then move his Majesty for him, and that one man may be reduced out of each troupe, or what is necessary to make up that pay to him. As for the Captain of Clanranolds signatur, you may stop it, since you thinke it fitt to do so, till the Lord Argils creditors pretences be discused. I haue done more then what you desird as to the Countesse of Niddsdale for I haue gott hir husbands pention continual to hir. I do not remember of any complaint come to me from Col : Pat : Hays daughters ; and if there had, should not haue condemned what you may have done, being sure you would haue done nothing but what is just and resonable. As for what you proposed concerning Clavers, I think it very resonable, and when he gos back he shall informe you what is resolved concerning the dragoons, by which you will see there has been care taken of one of those you recommended. I send you here enclosed a letter I receued from the Bishops, to which I would returne no answer till I heard from you. I enclose also a part of a paper I had from Lord Seafort, which to me seems resonable, but you know whether it be so. I was much surprised to heare of Lord Maitlands coming hether, but of that more by the next, for I haue not tyme to say more now.

For the Marquis of Queensberry.

37. Philpes's fine to be kept for Stirling Castle all but 500*l.* which might go to the Advocate (Sir George Mackenzie). When Clavers came down to him he would speak about the the petition of the Macer.

London, April 3 : 1683.

I have been so busi here since I came that I have not had leasur to answer yours of the 15: and 21: of March, till now. As to the signatur you sent up, it will be with you signed before this; and as for Philpes's fine, his Majesty would have that keep particularly for Stirling Castel, all but fife hundred pounds, which he thinks resonable to giue to the Aduocat, for the pains he has taken, and is like to take in prosecuting the rebels, and the resetters of them. As to Maitland the Macers petition, when Clauers gos downe to 'you, he shall speake with you about it. I am sorry to see that what the secretarys had order to write doune about the phanatiks was so much talked on where you are. I shall take notice of it to them, without letting them know I had it from you, that they may take more care for the future. I haue now I thinke answered all of concerne in that letter. As for yours of the 21: I was now agoing to answer it, but was interrupted, by businesse I could not auoyd, and so must defer it till the next.

For the Marquis of Queensberry.

38. King Charles would give away none of the forfeited lands but keep them for repairs—the Treasurer Depute should try to make a discovery of some forfeited lands and then he would get a share.

London, April 10 : 1683.

I did not write to you the last post, it being a tyme of deuotion, and as to the affaire of the mint, shall say nothing till the report coms up. As to Lord Maitland's coming up, he has failed in one of his cheef points, for his Majesty will not lett his father come up hether, and I haue made him sensible of his fault, of coming up hether, without leaue of the councell, or from hence. As to what you propose concerning the Treasurer Depute, I haue not yett thought fitt to moue his Majesty in it, because when I spake at Newmarkett to him for some of the forfeited

lands for Sir W. Sharp, that is here, he told me he would hold his hand and give no more of those things away, if there were any left, but would keep them for the repairs, and fortifying his castels; so that at present, the best thing the Tresurer Depute could do, will be to see if he can find out, and make a discouery of forfited lands, which are not yett discovered; and then I can move his Majesty for such a proportion out of them, as you have proposed, for I should be glad to shew him a kindnesse. As for the aditional instructions for the muster master, they are or will be sone sent downe to you. I beleve the Lady Dalhousie is satisfyd with what she has had, for I haue heard no more from her since, and am gla' to heare she is so well married. As for the continuing Lord Nidsdales pention to his Lady, since you say the condition of the family requirs it, I shall move his Majesty in it, and I shall take care the gift shall be drawne with regard to the educating of the children. There has been nothing sayd concerning Sir J. Dalrimple, or his fine, but you may be sure nothing shall be done hastely in any such thing. I have had yours of the 3: of this month, but have not now tyme to answer it.

For the Marquis of Queensberry.

39. Desiring him to let Lord Drumlanrig go into the army.

London, April 10: [1683].

Had it not been for a letter I receued this day when I came from Windsor, from your sonne, the Lord Drumlangrig, I should not haue writen to you by this post; for, indeed, what he says to me, of desiring to go into the army is so resonable, that I could not hinder my self from writing to you in his fauor, that you would give him leaue to go, and that he may not faire the worse, for being an elder brother, and lett not the care you have of him be a prejudice to him. I hope I need use no other arguments to second so resonable a request as his is, for realy you ought to lett him go.

For the Marquis of Queensberry.

40. Argyle's creditors—good service of Queensberry in the Mint, &c.

Windsor, April 17: 1683.

The night before I left London I had yours of the 7: and at the same time the decreet against the late officers of the mint. The letter you desired concerning the creditors of Argile will be sent downe to you speedily, his Majesty having aproved of it. As for the other letter concerning the exaltation mony, I will move his Majesty in it, and when he aproves of it, which sure he will, will cause dispatch it. I see by the abreviat you have sent me of the yearly income of the customs and excise, since his restoration, how much he has been abused by those who then managed his reveue; and have made his Majesty sensible how well you serve him now, and you need not be discouraged, tho you do not find that assistance from others you might have expected, since he is satisfyd with your service. I find by your letter, that the Generall and Lord Mar, are coming up hether; for the first, Duke Hamilton asked leave for him to come up some tyme this spring, but for the other he aught to have had leave from this place or the Councell, which he shall know when he coms here. Lord Middleton has read over the decreet, and has given both his Majesty and myself an account of it. His Majesty is yett come to no positive resolution in that affaire, and will sone resolv as to Lord Lauderdale; but as to Sir J. Falconer and the other officers of the mint, he cannot come to any resolution in it, till he haue a true account of what they haue,

that they may be fined accordingly. Therefore, pray, as sone as you can, lett me know it, and your opinion as to what they should pay. I am informed that disifculty is made of paying Lieutenant Colonel Buchan from the date of his commission. I do not know what your rules are there, but here they are always payd from that tyme. Pray, be as fauorable to him in it as you can. As for newse, there happned a great disorder at Oxford last weeke betweene the scholars and some of the rabble of the towne. I have not yett had an account of it from an authentike hand, but by what I heare the townspeople were in the wrong, and will go neere to lose their charter upon it. Judg Dolben is turned out, and Sir Frances Withens a very loyal man put in his place.

For the Marquis of Queensberry.

41. Recommending Sir William Sharp.

Windsor, April 23 : 1683.

I could not refuse this bearer, Sir William Sharp, to write to you by him, he hauing desired me to do it, and to recommend him in generall to you ; which I willingly do, he being a very good yonge man, and deservs very well the favors his Majesty has been pleased to shew him : which is all I shall say now.

For the Marquis of Queensberry.

42. Resolution about the officers of the Mint.—Clavers to be sent back to Edinburgh.

Windsor, April 24 : 1683.

His Majesty is now come to a full resolution as to the officers of the mint and what they shall pay ; and Lord Middleton has order to prepare the papers to be signed, which will now sone be dispached. And now Clauers will be sone sent back to you. I only keep him here till the Archbishope and Generall shall be come, and by him I shall answer all your letters.

For the Marquis of Queensberry.

43. Clavers to be soon despatched.

Windsor, May 1 : 1683.

This is only to tell you that I had last weeke yours of the 19: and if you find it necessary may send up the Treasurer Depute, when you thinke fitt ; and neither here, nor to anywhere you are, shall I take the least notice that you designe it. The generall is here, and has told me all his greevances, which needed not haue obliged him to haue made so long a journey. I shall, by Clavers, lett you know what they are. He will now be sone dispatched back to you, till when I shall defer what els I haue to say ; only that in the affaire of the towne of Edinburgh and all other things, where you may be concerned, care shall alway be take[n] to lett people see the consideration is had of you. The Quo Warranto is like to go very well.

For the Marquis of Queensbury.

44. The Provost of Edinburgh and the Excise.—Keeping of Stirling Castle by the Earl of Mar.

Windsor, May 3 : 1683.

Some days since I received a letter from the Provost of Edinburg with these enclosed papers, which I herewith send you, concerning the businesse of the exise ; which I thought fitt to send you ; tho I heare

that they haue had a rebuke at counsell for a memorial they gaue in there, upon the same subject, since their writing their letter to me, whieh they deserved very well; and you may be sure they shall haue no countenance from hence, and that you and what has been done by his Majesty in it, shall be suported. You will, I suppose, by this post, haue his Majesty's pleasur to treate with the Earle of Mar about agreeing with him for his heritable keeping of Sterling castel. It seems the sayd Earle had some notice that such a thing would be proposed to him, and write to me about it, and have answered him that it was true, but that it was not out of any dissatisfaetion of him, but that his Majesty did thinke it for his serviee, to gett into his hands all such heritable things; that you were to treat with him upon it; but that if he liked not the proposal it should not be imposed on him. I thought it fitt to lett you know what I had written to him, that you might be the better prepared. The whole affaire of the officers of the mint, as to their fines is now settled and past his Majesty's hand; and as for the exaltation mony, I moued it to his Majesty before the two Secretarys, where 'twas resolved, that since his Majesty would not quite ruin Sir J. Faleoner, that should go as it was in the decret, for what he is fined: and the aeeount he is to make for the bullion will be very heavy upon him. I thought to haue sayd more now but have not tyme.

For the Marquis of Queensberry.

45. "The Old General" Dalzell going back to Scotland. The Prince's daughter to be married to the Prince of Denmark.—Clavers to be soon despatched to Edinburgh.

London, May : 9 1683.

The Old General is now a going back, and I hope better satisfyd, then when he came from Scotland, his Majesty hauing caused Lord Morray to write downe to the Chaneeler, about some little things which were but resonable: and I beleue now he sees he needed not to have made so long a journey, but that a letter from him would have done as well, but I am apt to think that his having spoken to the King himself, will have helped to have satisfyd him; for tho he proposed some things which were not very resonable, yett he readely aequiesed to his Majesty's pleasur. As for newse, this bearer, Mr. Dauid Hay, who is to give you this, can tell you all we have here, and how things go very well in the city. Pray, be kind to him for I am confident he well deservs the favor his Majesty has done him. My daughter's being to be married to the Prince of Denmark will now be no newse to you, and I am the better pleased with it beeause I find the loyal party here do like it, and the Whigs are as much troubled at it. There is one Sterling, a minister, who, when I was in Seotland, used to give inteligenee. He has latly writen me word he continuall do it to you; and I make no doubt, if he deservs it, and you find him usefull, you will now and then lett him have some little thing. I came yesterday from Windsor and am to returne back thether tomorrow; from whence I shall sone dispatch Claures to you.

For the Marquis of Queensberry.

46. Letter carried by Clavers—Hamilton of Monklands forfeiture—Provost of Edinburgh and the exeise.

Windsor, May 13, 1683.

This gos to you by Clavers, to whom I must refer for severall things I have to say to you, and to informe you how things go here. As to what you wrot to me some tyme since concerning a gift to the tresurer

deputc of onc Hamilton of Munklands forfitur, I do not think it fitt to move his Majesty in it, till the thing bc judged by the justice court; and when it is, send up a gift for the tresurer deputc, and then I will move his Majesty in it; and to make it the esier to passe, lett a clause be in it, as is in your letter to me repeting his being instrumental in the discovery of it, and that if it be more then 200: Ps ster: the ouer plus to be layd by for the castel of Sterling. Lord Lothian is come up, but has not yett spoken to me about his few duty, but I beleve will. Lord Seafort has given me a paper to the same purpose, which I send you here enclosed, that you may see it, and lett me know what to answer, tho I am of opinion, if it be granted to any one, there will many pretend to have the same favour done them, which if it should, might for aught I know diminish his Majesty revenu, more then would be convenient. I see by yours of the 1: of this month that some fault is found with the letter sent downe about Argils affaire. I confesse I do not [see] why it should be excepted against, and until I heare better reson to the contrary, shall be of yours and the Advocats mind. I haue already sent you the papers you desired that the Provost of Edinburgh sent me up concerning the affaire of the exise; and am of your opinion that the Bishop meddled more then he needed to have done in that affaire, tho in his letter to me he sayd no reflecting things of any body, and only in generall recomdnded that the towne might not be roughly dealt with; but I thinke it had been better he had not writen nor meddled at all in it. I have already told you in a former letter of my aproval of Lundys coming up, when you thinke it necessary; and have not nor will not tell any body of it. What els I haue to say I refer to this bearer.

For the Marquis of Queensberry.

47. The Bishop of Edinburgh meddling indiscreetly—depositions against Lord Melvin [George Lord Melvill].

Windsor, May 26: 1683.

This morning I had yours of the 19: with your answer to the paper sent me up by the Provost concerning the towne of Edinburgh. I haue not yett had tyme to reade it, and am sorry by your letters to find the Bishope of that place has meddled so much and so indiscretly in that affaire, which he needed not haue done; but you may be sure you shall be suported in it hauing done nothing but what became you in it. The depositions against Lord Meluine arc sent me by Lord Chaneeler, but his Majesty hauing playd at tennis this morning I have not had tyme to shew it him, and shall write to the Chaneeler as you desire concerning the commissions now depending. I haue spoken to his Majesty as you wrot to me, in yours of the 12: about Sir David Dumbar, and will gett it moued to morrow at the Cabinet Councell; which is all I have tyme to say now.

For the Marquis of Queensberry.

48. Recommending Major Mayne.

Windsor, May: 28: 1683.

I would not lett this bearer, Major Mayne go, without writing to you by him, he going into Scotland, and as he tells me, into that part of the country, where you will be; for I supose by that tyme he getts therer, you will be at your owne house: which is all I shall say, but to recomend his concerns to you, if he has any there.

For the Marquis of Queensberry.

49. His Majesty's Revenue overcharged—Care to be taken to hinder more charges.

Windsor, June 9, 1683.

I am sorry to find by the state you sent me of his Majestys revenu, that it is so ouer charged; and therefore shall be carfull no new grant be made, and have enough to do to hinder its being more charged then it is, there being many solicitors. I haue yett heard nothing concerning Lord Montrose, nor is Sir J. Falkoner come up; you may be sure nothing in any of the Treasury affairs shall be done without aduising with you. Things continu going very well herc, and you have heard how well the common councell behaved themselves the other day in the city, by repealing severall by laws made in the rebellious tyms. On Tusday the businesse of the City Charter will be decided; which is all I shall say now, but to desire you to lett me know what answer I shall give to this enclosed letter.

For the Marquis of Quensberry.

50. About pensions to Lord Arran, Lord Perth, &c. Duke Hamilton was behaving well.

Windsor, June 22: [1683.]

I receeved some days since yours of the 10: and shall still do my part, (tho I know I shall anger many people) to perswade his Majesty to be a good husband of his revenu in Scotland. I have been attaqued by seuerall ladys already, as well as by others, and shall still do my part, that his Majesty's charge may not be encressed. Only those gifts of pentions have been past, as that for Lord Arran and others, were resolved on before I came away; and Lord Kintors, of one hundred, which you mentioned in yours, is also past. As for the syse of herring, nothing shall passe here concerning it without aduising with you: if any body has it, it must be the Sherif of Boote, and he must giue more and pay better then Lord Argile did, and care must be taken that the Admirals rights and priveledgs be not envaded. You may speake with the Advocat about it; twas the only favor he desired, and tis but resonable to gratify him in it, since he took so much pains in that whole affaire. As for the Parke, I thinke for the present you would do well, to lett it, as you propose, for some few years, but still with a power of taking it into your hands againe when you thinke fitt. As for what concerns Lord Halton, he will be downe with you by the 4: of next month, and you may be sure if he be found so guilty as to be displaced, yon shall be aduised with before it be disposed on. As for what you say concerning the allowance of officers servants, I thinke it resonable and shall speake to Lord Morray to prepare a letter from his Majesty about it. Lord Perths pention is signed, but I have not yett seen the signatur you mention in his favor for Drumshorlin moore. When it comes I will move his Majesty to passe it. Lundy is come, but I have not had yett tyme to speake with him. I am very glad to heare from all hand that Duke Hamilton behavs himself so well. I have done both him and Lord Aran right to his Majesty, and will upon all occasions shew them what kindness I can. I have not yett moued his Majesty as to what you mention concerning Lord Perths being put as you propose into the Sessions, but will; and will giue my helping hand in Lord Tweedales affaire, when he letts me know how I must do it. I shall remember Gosfords affaire. I long for the arrival of the person you intend to send up with a state of the revenew, and make no doubt but that you will sone put it into much better order then it has ever yett been. I thinke I have now answered most of your

letter. To morrow his Majesty gos for London whether I wayt on him. Hir Majesty gos this evening. The Dutheſſe stays here. I beleue it will be this day ſcennight before we ſhall all be back here. All things, God be thanked, go uery well in this country.

For the Marquis of Queensberry.

51. The Earl of Mar and the Castle of Stirling—ſome leather guns to be purchased.

Windsor, June 24 : 1683.

What with going to London, and coming from thence, hunting, and the new plot, I have not till now had tyme to lett you know, that I had receaved yours of the 4 : As to what you say in it eoneerning the Earl of Mar affaire, you ſaw both by what I wrot to him, and I thinkē to you also, that there was no designe of doing any hardship to him, for if he did not like the proposal there was an end on't, the chief thought being only to ſee if he was willing to part with his being heritable [sic] of Sterling, it being certainly the intreſt of the Crowne, by degrees to gett in to their hands all the heritable offiees. As to what you say eoneerning the vaeant place in the Sessions, I ſhall ſay my mind to you of it another tyme. I thinkē you will do well to buy ſome of the leather gunnes, for they may be of uſe where others cannot go. As for what concerns the Solileters place, nothing ſhall be done, as you desire, till the treſurer depute eoms. As for the new plot you will heare it from others, and I have not tyme to ſay more now.

52. He had no letter from Clavers.—They did him wrong who reported he ſaid the Prince was diſpleased with Queensberry.—Lord Russell and Lord Gray ſent to the Towre.—The Duke of Monmouth not yet caught although a warrant is out for him.

London, June 26 : 1683.

At my arrival here last night I received yours of the 16 : and ſend you here with an answer I wrot at Windsor, to your former letter. As for what is in your last, I have had no complaint from Clavers nor any els, about the delay there has been of adding ſome officers to the horse and dragoons, nor have I had ſo much as one letter from Clavers of any kind ; and I am conſident they do him muſh wrong who report, he ſhould ſay I am diſpleased with you ; ſinee I assure you there is no ſuch thing, and that he is not a man to ſay things whieh are not ; and this justiee I muſt do him, that, whilſt he was here, no man was more your friend then he, and did preſſe all your concerns with more earneſtnesse. I find by that and other things that ſome people both from henee and where you are make it their businesſe to ereate miſunderſtandings bettwene all of you, that are moſt truſted in his Maſteſty's affairs, and in whom I have moſt confidence in. God forgiue them that do it, and haue a care of ſueh dangerous people ; and do not be to jealous and thinkē that any haue gone abouſt to do you any the leaſt ill office to me. They haue not ; nor is it in any ones power to do you a prejuſtiee with me. As to Sir J : Faleoner, I haue not yett heard of his being come ; when he dos he ſhall be ſent downe againe without any anſwer here, but that he ſhall know his Maſteſty's pleauſur from you of the treaſury. I wonder Sir J. Dalrymple ſhould make ſueh diſeulty of paying his fine, hauiing had no encorudgmenſt from henee, that I know of, to thinkē he ſhall have any favor. I haue not tyme to ſay more, but that Lord Russell and Lord Gray are ſent to the Towre, and that the Duke of Monmouth is not to be found, tho a warrant has been out ſince noon to take him. We

are gott to the bottom of this damnable conspericy against his Majesty and the Government ; in a few day[s] will be made publike to all the world.

For the Marquis of Queensberry.

53. The Muster Master's place given to Middleton's uncle, but something might yet be done for Lagg. The great villain, Rombold, believed to be taken.

London, July 7 : 1683.

I had but last night yours of the 29 : of June, and his Majesty hauing had notice by the former post, of the death of the muster master, had given it to the Lord Middeltons vncle, or els you are sure Lagg had had it; and I hope other oportunitys may happen, of doing some thing for him, knowing him to be so loyal a man, and related to you. I have had an account from others as well as from your self how well things have gone at Dumfrise, and every body has done you justice both from thence and from Edinburgh, and particularly the Chanceler, who besids tells me, he fears they will not be so obedient at Jedbrugh. The letter to the Prive Councell you mention was not calculated for any end but what is mentioned in it, and will not hinder your sending up the treasurer depute, when you judg it necessary. Only this is fitt to be done, which is, that you lett the Chanceler and Councell know, I haue obtained leaue for him to come up from his Majesty. I haue not tyme to say more now hauing been all this afternone below at the Secretarys, examining prisoners. There is one taken in the West, who is beleved to be that great villan, Rombold.

For the Marquis of Queensberry.

54. Lord Arran troubled that Queensberry was dissatisfied with him : —Lord Russell and others to be tried next week.

London, July 1683.

I intended to haue writen to you by the last post, but we were so long that evening at the cabinett councell, examining some prisoners then brought in, that I had not tyme that night to do it; and before I say anything else, I must tell you that Lord Aran is much troubled to heare you are unsatisfyed with him, about his hauing told me his father had complainid a little both of you and the Chancelor. He did not know well how to auoyd doing it, and did not say it as his owne sence, but as his fathers, whose letter he shewd me, writen to him upon that subject. This I thought fitt to say to you, that you may not blame him for it. As for newse, the Lord Russell and seuerall others of the conspirators are to be tryd next weeke. Seuerall people are taken and examined every day, all of which except one Mr. Trenchard owne all of them the rising which was to have been about this tyme, tho they had put it off once before, and had mised of their dispatching his Majesty and myself. Lord Argile asked at first 30^m. pounds for to enable him to buy armes to make a rising in Scotland, but at last came downe to six thousand pounds, and that they might be sure the mony should not be misemploy'd by him, desired they would send some ouer to see the armes bought. 'Tis reported that the Duke of Monmouth, Lord Gray, and some others, are gott away in a small vessell from a place neare Chichester. Yesterday the Lord Major, aldermen, and common councell, were with his Majesty and myself to compliment upon the discovery of this damnable conspiracy. We are all here so full of this, that one cannot write of anything els.

For the Marquis of Queensberry.

55. Not to press Lord Mar any further.—The Earl of Essex cut his throat in the Tower to prevent justice.—Lord Russell and three other conspirators condemned and to be executed.

London, July 13: 1683.

Last night I received yours of the 7: and you haue done well not to presse Lord Mar any further, since he desirs to come vp hether, and I shall move his Majesty he may have leave to come. What you say concerning the Lord Naper is very resonable, but the best way of doing it will be a precept from hence, that it may not be a preparatif to others. I thought to haue sayd more in answer to your letter, but have not now tyme, only I must tell you that the E: of Essex cut his own throte in the Tower yesterday to prevent the stroke of justice, tho he had not yett been indited. Lord Russell and three others of the conspirators are condemned, and are speedily to be executed. I haue not tyme to say more.

For the Marquis of Queensberry.

56. To find a small forfeiture for Lady Newark.

London, July 18: 1683.

Tho' his Majesty woulde not grant a pention to the Lady Newark nor the arrears were due to hir husband, yett he has so much compassion for hir, that he is willing to do some thing; therefore, if you can find some smal forfitur, worth bettwene one hundred or two hundred pounds, or some fine of about that valu, send up, when you haue found it, a warrant ready drawne, to be signed here. This being the only subject of this letter I shall say no more now.

For the Marquis of Queensberry.

57. Examinations about the conspiracy.—Lord Russell beheaded.

London, July 21: 1683.

I had yesterday in the evening yours of the 14: but have not now tyme to answer it, hauing been all this afternone very busi of examining people about this divelish conspiracy, but by the next shall do it; and shall only now tell you that Walcott, Rouse, and Hone were hanged yesterday, and that this day Lord Russell was beheaded. He behaved himself like a stout man, but not like a good Christian; said little, but left a most seditious paper signed by himself, to be sent to the King, which just now is brought to me in print, which has been published by some of his factious friends. When you see it you will say there cannot be a greater lybel on the government.

For the Marquis of Queensberry.

58. The parliament not to be dissolved through the loss of a letter.

London, July 24: 1683.

I had yours of the 17: yesterday, by which I see you there thinke the Parliament is disolved. I confesse I cannot be of that mind, it being according to my sence against all reason that by such an neglect or the accident of the losse of a letter a Parliament should be disolved, which I thinke cannot be done but by his Majestys order or proclamation. I am sure here in England the late Lord Shaftsbury and other Lords were sent to the Tower for saying and endevoring to suport this very argument, that that Parliament was disolved by such an oversight as this was. I have writen to the Chanceler upon this subject, and desired him to advise with you and the rest of the officers of State about this affaire, and to lett me know your opinions about it; for I cannot thinke

such nicites can dislove a Parliament. As for the treasurer deputes coming up, he may, whenever you thinke fitt ; and if it be neccssary, you may tell the Chanceler and councell, that I have asked his Majestys leauie for him. The Captain of Clanranolds signatur was signed before I had your last letter, and so is sent downe to you. I am of your mind as to the minister, Sterling, and you did very well to giue him nothing I have not tyme to say more now.

For the Marquis of Queensberry.

59. Sent with the Archbishop of St. Andrews—for a good understand-ing between the Chancellor and Treasurer.

London, July 25 : 1683.

I have desired this bearer, the Archbishop of St. Andrews, to speake with you of severall things conneering the country where you are ; and amongst the rest to enquire whether there be any ground for a report which is here, as if there were not so good an understanding bettwene the Chanceler and you as there used to be ; and if that should be, to endevor to make you good freinds againe, which is absolutly neecessary for his Majestys service as well as myne. The Archbishop has desired me to recomend a concerne of the Univrscites of St. Andrews to you—he will tell you what it is—and as he stats it, it secms to be resonable. What els I have to say I reff[e]r to him.

For the Marquis of Queensberry.

60. The marriage of his daughter.

London, July 31 : 1683.

By the last post you might heare of my daughter's having been married that night, and by this that their Majesties went early this morning to Windsor. The Dutchesse, the new married couple, and myself are to go thether tomorrow : from whence I shall have leasur to answer severall things in some of your letters which I had not tyme to do here.

For the Marquis of Queensberry.

61. Lady Wemyss's leather guns—action in favour of Lady Argyle and Lady Jean.

Windsor, August 4 : 1683.

Since my arrival here I have had tyme to know his Majesty's pleasur concerning the Lady Wemyss leather guns. He is for hauing some few of them bough[t] after tryal ; that for the rest she might haue leave to sel them anywhere beyond sea ; and that if they were not speedily transported, they should be kept in the castel of Edenburgh till she could agree for them, and carried thether at his Majesty's charge, for lying where they are they might be seized on by disorderly people. I receved this morning yours of the 28 of July, and as to what you say has been done in favor of Lady Argile and Lady Jean (without your knowledg,) it has been done without any new orders from hence, so that tis proper for you in the place to enquire into it and looke after it. As for Muneklands forfitur, the signatur is come downe hether for the treasurer depute, but Lord Aran puting in some pretentions to it, in right of his father, which I do not well understand, I have cause[d] stop it till that be enquired into : and did againe put his Majesty in mind of his promisc to Lundy, that he might not be surprised by what Lord Aran might say to him upon that subject. As to the Scots prisoners that are here, what you propose will be done, and am of your mind that Carolina was only a pretence to carry on their damnable

designs. I shall lett the Chancelor know his Majesty has given the Earl of Mar leave to come up hether, so that he needs only move it in Councell the next day it meetts. When you find any thing proper for the Earl of Dumbarton, send an order ready drawne up to me, and then I shall cause offer it to his Majesty, and in the meane tyme shall take care that none shall be disposed on to any other. As for newse, there is none but that one-leg Charleton was taken the other day in Oxford shier—he was a great man with the late Earl of Shaftsbury, and a great agitator for that party.

For the Marquis of Queensberry.

62. A new parliament—the forfeiture of Monkland desired both by Lord Arran and Lundy.

Windsor, August 9 : 1683.

Yours of the 31 of July I had two days since, and am of your mind that a new parliament will be better then this present one is. But his Majesty hauing considered that whole affaire, and read the paper sent by the Chancelor concerning it, has resolued of what you will see in his letter to the Councell, which in effect is but to suport his prerogative, being resolued that when a Parliament is to sitt and do any thinge, it shall be a new one. Lord Aran presses still very hard about the forfittur of Monckland ; and, if the estate be as considerable as he says it is, I beleve both he and Lundy may be satisfyd ; for, as I remember, when you wrot to me first for it for Lundy, it was looked not to be worth much above two hundred pounds a yeare, and that his Majesty sayd that what it was worth more should be layd aside towards the fortifying of Stirling Castel. Lord Aran would have had me have sent you a paper he gave me of his father's pretences to some part of it; but I told him I thought it not necessary, for that his father would be sure to informe you of it ; but my true reason was, to keep it by me till Lundy came, that I might lett him see it. Till he is here, and that you send an account of the true valu of that forfittur, nothing shall be done in it, and then not without advising with you. I have not tyme to say more now.

For the Marquis of Quecnsberry.

63. Letter by the Archbishop.—To ask leave for the Treasurer to come up.

Windsor, August 20 : 1683.

I had not tyme the last post to tell you I had receved yours of the 11 : by which I see you had had myne by the Archbishope, and that he had spoken to you about what I had charged him with to say to you ; and make no doubt it will haue had that good effect with you and others as is necessary for his Majestys service, which is all I shall say upon that subject now. As for your coming up about the tyme his Majesty uses to go to Newmarkett, I thinke it very reasonable. If the Chancelor coms, and if I aske leaue of the King for him, I shall at the same [tyme] aske it for you also, and send you word of it, that you may come up to. I thought to haue sayd more, but haue not tyme now. Lundy is not yet come.

For the Marquis of Queensberry.

64. He had written to the Register concerning Carstairs.—Monroe's and Philiphaugh's confessions.

Winchester, September 22, [1863].

Till the last post I could not haue answerd yours of the 6 : and 9 : hauing been out of this place for some days with the Dutchesse to see

Salisbury and Portsmouth; and when I thought to have written then, I had not tyme to do it, hauing had only leasur to writ to the Register by the Kings command eonecruing Carestairs; which the Register will, before you have this, haue given you an account of. I am glad to find by yours of the 6: that you made Duke Hamilton sensible of his error, and I hope he will continu of the same mind after he has been at home. Since I had yours of the 9: which is the last I have had from [you], I haue had an account both of Monroc's and Philiphaugh's confessions, which will bring you to the bottom of the conspiracy in Scotland. This I beleve will not find you at Edenburg, so that at present I shall say no more to you till I be at London, which I intend to be on Wensday, and their Majesties on Thursday.

For the Lord Tresurer of Scotland.

65. Bishopric of Ross.—Bailie Drummond to be Provost of Edinburgh.—Stubbornness of the City of London.

London, October 2: 1683.

I had yours of the 14: of September when I was at Winechester, and have been in such motion till I came to towne and so much bussinesse sinesse my arrivall here, that till now I have not had tyme to answer it; and as to the bishoprike of Rosse, haue lett the Arch-Bishope of St. Andrwes know I do aproue of what he has proposed concerning it. You have shounen very good example in causing men to be put into some of your owne houses, and am sorry to heare others did not mind those things as they ought to have done, tho' you wrot to them about it; and am sorry any of his Majesty's officers of State should shew themselves partial for the towne of Edenburgh against his Majesty; and eare shall be taken to advertise them to be more carfull for the future. As to what you propose concerning sending downe the Lord Middleton, I do not thinke it necessary; for against November, when you will all be in Edenburgh, such directions will be sent as will I hope settle the management of his Majesty's affairs there for the better, and hinder any occasion of dispute amongst you. Sir James Dicke is come hether, and by the next letters we shall heare what the towne of Edenburgh has done in persuance of his Majesty's letter to them for clusing Baily Drummond to be their Provost. The city here hauc been a little stuborne, for they haue rather chosen to lose all their privileges then to agree to what was offerd them by his Majesty—it is the worse for them, but not for the Crowne. Lord Dumbarton is come this night from France, who says the King of Portugal is dead, and that he was told Tanger was besieged by the Moors.

For the Marquis of Queensberry.

66. Sir Janies Dick had got nothing by coming up—the Scots prisoners ordered down—Algernon Sidney to be tried.

London, October 26: 1683.

If it had been necessary, I had answered yours of the 12: sooner; but that not being I deferd the doing it till now, hauing had much business since my coming from Newmarket. I am glad to heare that the generallity of the towne of Edenburgh is so well pleased with what has been done; and I beleve Sir James Dick thinks now he had done better not to have come vp, since he has gott nothing by it. As for the Earl of Marrs affaire, nobody is more for shewing him favor then I am, but do not thinke it proper to move his Majesty in anything concerning it till I have an account from you of the true state of it. I

am very well satisfyd with the aecount the treasurer depute has given me of the affairs under your trust, and I can assure you his Majesty is so to ; and I wish all people in their severall stations may serve him as successfullly and as well as you two have done. As for the Scots prisoners which are here, his Majesty has ordered them to be sent downe by sea to Scotland. Algernon Sidney is to be tryd very sone, and has had noticke to prepare for it. The French and Flanders letters are not come, but the Dutch are, which say that Courtray is besieged by the French. All things are, God be thanked, very quiet here. I am sorry to heare you have had some feild conventicles, but I hope care will be taken to supprese them.

For the Marquis of Queensberry.

67. Recommending the Earl of Breadalbane.

London, October 29: 1683.

This bearer, the Earl of Breadalban, being returning into Scotland, and desiring me to write to you by him, I could not refuse it him ; and to lett you know that his Majesty is well satisfyd with him, and looks on him as one, who is able and ready to serve him. If I did not beleve it to, I should not have written as I do, and recomend him in generall to you, which is all I shall say at this tyme.

For the Marquis of Queensberry.

68. Field Conventicles to be put down.—The Treasurer's sons fine young men.

London, November 10: 1683.

I had yesterday yours of the 2: by which and other letters I have had, find there has been some feild conventicles and other meettings of late amongst the disorderly people ; and am of your mind, that, if every body would bestur themselvs and be as diligent as you, it would not be so easi for them to meett; but I hope when you all are at Edinburgh, you will do your parts to hinder them. All things are very quiet here, and the bill is found against Algernon Sidney, and on the 21 of this month he is to be tryd. As to Lord Marr's affaire, by my next I shall lett you know what his Majesty's pleasur is. They have done me right to you that have lett you know I am kind to your sonns. I assure you they deserve to be countenanced, being both as fine yonge men as I have seen.

For the Marquis of Queensberry.

69. Duke Hamilton and his place in the Abbey.—Lady Cassillis' pension, &c.

London, Nouember 18: [1683].

I had this weeke yours of the 6: and as yett Duke Hamilton has sayd nothing to me about Lady Sutherland's pretensions, but has sayd some thing to me concerning his place of house keeper of the Abbey ; and made some proposals about parting with it. I desired what he had to say he would put in writing, that it might be considred of, as you desired me in a former letter of yours; and you may be sure that what you say to me upon any subjeet shall not be spoken of againe. I see you are not satisfyd with one Campbel, scriver of the Castel. Lundy told me he was put in, as I remember, at the reecomendation of Lord Argile, and you will do well to put him out. I did not know that Lady Cassilles pention had such clauses in it as you mention ; if I had, it should not have gone so but in the ordinary forme ; and for the tyme coming care shall be taken in such eases, and that no new pentions be

added to the establishment. As for the precept of 250: pounds she expects, I shall say more to you upon it another tyme. What you have heard of Lord Perth and the Countesse of Weems are all storys. Nothing is done yett as to the Justice Clarke; and, methinks, people there should hold their tonges till it were done.

For the Marquis of Queensberry.

70. About paying Sir William Sharp out of the Mint fines.—Hamilton of Preston's fine to be remitted.

London, Nouember 23: [1683].

Last night late when I came from hunting I receaved yours of the 15: from Edinburgh; and as to what you say is proposed concerning Sir W. Sharp's being payd out of the Mint fins, I thinke 'tis best not to thinke of disposing them to any body or any use till one sees what they will come to. As to the fishery, you see what you proposed is done. I thought to haue answerd all your letter now, but hauing been interrupted by businesse I could not avoyd, I must deffer doing it till next post having not tyme now. Duke Hamilton has prestt me that Sir W. Hamilton of Preston's fine of one hundred pounds, which was layd on when I was there, might be remitted, which pray lett be done:

For the Marquis of Queensberry.

71. Submission of the Duke of Monmouth.

London, Nouember 24: 1683.

I haue had yours of the 15: and haue had an account of what has past where you are. As to the prisoners sent downe to you, and what we know of them here shall be sent as is desired. This evening I am to wayte on his Majesty with the two Scots Secretaries and Lundy, to settle all things for the treasurer deputes' dispateh. As I had written thus far, I was ealled for to attend his Majesty downe to the Secretarys w[hi]ere the Duke of Monmouth was come to surrender himself. He desired to speake to his Majesty and myself alone. He asked the King's pardon as beeame him, confess himself guilty of the plot in generall, and owned all but the knowing of the designed assasination; asked me pardon also, and owned his hauing been faulty to me, and made all the professions man could make. He is now in the custody of a sargent at arms; and to-morrow morning his Majesty has apointed a meetting to consider what to do with him. I have not tyme to say any more.

For the Marquis of Queensberry.

72. The Duke of Monmouth's affair had revived the Whigs and troubled the Tories.—The letter sent by Sir James Diek.

London, December 1: 1683.

You cannot imagin what a noise and fermentation this affaire of the Duke of Monmouth has made, and how it has eneouraged and revived the Whigs and troubled the Torys; the former of which according to their wonted coustume of lying for the good of the cause, haue done and do it most impudently now upon this subjeet, and report every where the Duke of Monmouth has not owned the Plot, and that what was in the Monday's Gazette was false. What incouragement he has given them to talke so, I will not yett take upon me to say, but by my next I may; and shall now only say I hope good use will be made of the extraugance of that rcellious crue.

I thought to haue sent this by the post, but this bearer Sir J. Dick telling me he will be soner with you, I send it by him. He talked to

me of some proposals he has to make to you for the improvement of his Majesty's revenue in Scotland. When you heare it from him, you will sone judge if it be so, or fitt to be done.

For the Marquis of Queensberry.

73. Recommending a Lady, who bore the letter.

London, December 2 : 1683.

The faire Lady that will give you this, being going back into Scotland, to her husband, I could not refuse hir, to recomend in generall hir concerns to you, which I do. She will be so long on the way that I shall say no more now.

For the Marquis of Quecnsberry.

74. Earlston's madness feigned—effects of the Duke of Monmouth's being at court.

London, December 6 : 1683.

I had this day yours of the 29 : of last month, by which I see Earleston is sent to the Castel, and I cannot help thinking his madnesse is fained. I see you were all of you surprised with the newse of the Duke of Monmouth being at court : at which I do not wonder at, since here it had the same effect, and upon it the Whiggs are growne very insolent, and the more since they see he, the Duke of Monmouth, has not behaued himself as he aught, and not owned his knowledg of the conspiracy as he promised his Majesty to do. But tho this has done some harme at first, yett now that Algernon Sidney is to be beheaded tomorrow, and some other things will be done, they will not be so high ; and the Duke of Monmouth will only have done himself harme by his behauior, and will satisfy the world he has not deserved such fauor from the King as he has had. I haue charged Lundy to speake with you, and to lett you know how necessary a thing it is for his Majesty's seruice, that the Chancelor and you should be upon good terms. I haue writen to the same purpose to the Chancelor and to the Archbishope of St. Andrews to speake to you both about it, who I hope will bring it about ; which is all I shall say to you now.

For the Marquis of Queensberry.

75. The Duke of Monmouth banished the Court.—Algernon Sidney beheaded.

London, December 8 : 1683.

The Duke of Monmouth's being banished yesterday the court, will, I believe, be no lesse surprising to you then his coming to it was ; and tho he has gained his point in getting his pardon and keeping his credit with his party, yett I am confident it will haue no further ill effect, and will haue this good one, of taking away that tendernes which moued his Majesty to do what he did in his fauor : for now, he, the Duke of Monmouth has satisfyd the world he can neuer be trusted, and was neuer a true penitent ; for he would not owne under his hand what he sayd to the King and myself, when he saw us first, and told some of his dependers that what had been put in the Gazette was not true ; which so incensed the King as obliged him to send him out of court. But of this no more at present. Yesterday Algernon Sidney was beheaded ; he died stoutly and like a true republican. I have not time to say more.

For the Marquis of Queensberry.

76. Sent by Colonel Gage.—The Duke of Monmouth's knowledge of the conspiracy.

London, December 13: 1683.

This bearer, Colonel Gage, gos downe with a lctter from his Majesty to haue leawe to raise recruits for his regiment; so that I need say no more as to that, only to desire you he may be sone dispatched by the Councell. He can tell you what his Majesty declared here in Councell concerning the Duke of Monmouth, and the reson whieh obliged him to banish him so sone from Court againe. He ordred also the letter which he would have had the Duke of Monmouth signed, but to owne what he, the said Duke, had sayd to him as to the conspiracy, to be entred in the Councell Books, with what he had then sayd upon that subject, that it might remain upon record for the satisfying of all loyale men, who gett hart againe now that the Duke of Monmouth is removed. I have not tyme to say more now.

For the Marquis of Queensberry.

77. Sir William Scott's fine.—Algernon Sidney's speech come out in print.—The Duke of Monmouth's connection with him.

London, December 20: 1683.

I have now yours of the 11: and 13: to answer, by the first of which I find Sir William Scott shuned paying his fine, but I am apt to beleue he made not such dificulty when he heard of the Duke of Monmouth being banished the court, which I see by your last you had then heard of. I long to know what Earlston will confesse now that he is in his witts againe. Algernon Sidney's speech is come out in print, and his tryal will I beleue be out this weeke; by both which you will see what a fine princely man he was, and of the same trampe are all those the Duke of Monmouth was to have headed; and I thinke 'twas a great mercy he discovered himself so sone not to be a true penitent. As for foraine newse, the Gazette will tell it you, and I would have sayd more of our home concerns if I had tyme.

For the Marquis of Queensberry.

78. Jerviswood had reeeived his punishment—Earl Tarras pardon to be made out—not satisfied with Clavers' behaviour to the Treasurer.

Whitehall, New Years day 1684.

I receued last night yours of the 25: by which I find that Jeraswood has receued the punishment he and all traitors deserve; and by what you and others haue writen to me, find Earl Tarras by his being now so ingerious dos deserve his pardon. I speake with his Majesty last night concerning him, the two Scots Secretaries and Lord Middleton being by, and Lundy has order to signify his Majestys pleasur, so that I need not repeat it to you; beside, I have not tyme to do it. When I come downe to you, Claueros shall know I am not satisfyd with his behauior to you, whieh is all I haue tyme to say now.

For the Lord Tresurer of Scotland.

79. Pensions for Lady Lucy Hamilton, and young Ardross.—The Duke of Monmouth out of favour with the King.—Death of Lord St. Albans.—River frozen that it is passable on foot.

London, January 3: 1684.

I haue had yours of the 22: of last month, and do not at all doubt but that you will do your part in what I recomend to you concerning the Chancelor, it being so necessary for his Majestys seruice. And

now, tho I see by your letter you complaine of new pentions that are giuen, I must mention two new ons to you, which I haue been very much prest about; and in whieh I would do nothing till I had had your opinion concerning them. The one is for the Lady Lucy Hamilton of one hundred pounds. They tell me she realy wants it very much, and is so old she cannot enjoy it long. The other is for yonge Ardrosse, whose father had a pention of 300 pounds, and I am told for valuable eonsiderations; now, one hundred is all is desired for him; pray, lett me heare from you as to both these two. By letters from Edenghurgh of a later date then yours I heare that seuerall drafts of remissions ars sent up hether, by one Sincler, for to be presented here, for the Duke of Monmouth: but his Majesty will do no such thing; and I wonder after that Dukes behauior any could haue the impudence to send those remissions up hether; for who could thinke the King would do such a thinge for him now. As for newse, what is from foraine parts you will sec in the Gazeite, and for here there is none but that Lord St. Albans is dead; and that the riuier has been so frosen over these two days, that people go over it on foott.

For the Marquis of Queensberry.

80. Protection for the Earl of Annandale—*forfeitures to be applied to repairing the castles of Stirling and Kirkeudbright.*

Whithall, January 6 : 1684.

I have had yours of the 30: and as you desired have given order for the protection you desired for Earl of Annandale, which if I can help it, shall be the last of that kind shall be granted. As to what horse and dragoons shall be raised with the mony of the severall districts, no resolution will be taken till I come to you; and as to any of the forfeiturs, none will be disposed of, as his Majesty declared yesterday, till a sufficient somme be raised out of them for the fortifying of Sterling and Kercubray. The Duke of Gordons signatur will be past. I have not tyme to say more to you now, being to play with his Majesty.

For the Lord Treasurer of Scotland.

81. About pensions, suggesting one for Lady Largo—a parliament in Scotland.

London, January 19 : 1684.

I haue had yours of the 8: and you may be sure 'tis in no body's power to do you ill offices with me; and for what concerns Lady Lucy Hamilton, since you aproue of it, I shall gett it dispached. As for the remissions I wrot you word were sent or to be sent up hether, I heard of it from Edenghurgh, and that 'twas on Sindelere, who is secretary to the Duke of Monmouth, which gott them prepared there, but I do not here they were ever seen by any here. As for what concerns Earl Anerum, I beleue he would not willingly compound as you propose; but for others, if you can agree with them, you may. As for what you propose concerning a Parliament, I am of your mind it would do good there, but that must be governed by affairs here, so that yett it is not proper to call one; for tho things go well here, there are some things necessary to be done here before that would be aduisable. I had almost forgott to tell you that as to what you say as to Ardrosse, I acquiesce in it, and thinke the resons very good why he should haue no pention, but haue been prest by the Dutchesse to write to you in fauor of his sister, the Lady Largo, who is a widdow, and in a very ill condition, that she might have a pention of one hundred pounds only. The Dutchesse tells me she had desired the treasurer deput to speak to you about it,

who gave her hops it should be done; therefore, pray, if you thinke it may, send me a draft of such a gift for the Lady Largo. I thought to have sayd more, but have not tyme.

For the Marquis of Queensberry.

82. More about pensions—care of the Countess of Dalhousie.

London, February 9: 1684.

What you say in yours of the 26: concerning the Lady Largo is very resonable, and as for Lady Lucie gift of pention, it shall be sone sent downe to you. I heare that the Countess of Dalhousi is prosecuted by hir late husbands relations for the mony she had receued as part of the arrears deu to him for his company. I remember when 'twas given hir, it was done to help to suport hir: so that it seemes to me very unresonable for them to pretend to it. Therefore, pray, do your part that she be no further tormented about it. I thought to haue sayd more but was inturupted, and now 'tis so late that I must end.

For the Marquis of Queensberry.

83. Letter by the Earl of Perth—nobody had done him ill offices with the Prince.

London, March 4: 1684.

This bearer, the Earl of Perth, is so well informed of every thing here, that were it not to lett you know that no body has gone about to do you ill offices here, I should not have writen to you by him; and had it been endeavored, it would have signifyd nothing. What els I have to say I refer to him, being just a going to take coach for Newmarkett.

For the Marquis of Queensberry.

84. Renewed confidence in the Lord Treasurer—Sir William Scott's fine of 1,500*l.* not to be remitted.

London, March 22: 1684.

I arriued here from Newmarkett on Thursday and found yours of the 15: so sone as I came, by which I see you had receued myne by the Earl of Perth; and that you are satisfyd 'tis not in any body's power to do you ill offices with me, should it have been gone about, which it has not. I wonder to heare Sir William Scot should make any difculty of paying the 1,500: pounds. He aught to be satisfyd with having had so much abated, as has been of the fine, and I cannot immagin why he should flatter himself so as to thinke any part of the 1,500 will be remitted, for it will not. I have had no account of what past when Smith and Earlston were confronted togather. As to yours and the treasurer deput's coming, you know by the letter already writen upon that subject when it is like to be, for you know what is to be dispatched before any of you can come; and when that is over, you must have a fortnight or three weeks tyme to gett yourselv^s ready and to come at your ease hether. His Majesty arrived here this afternone, and God be thanked all things are very quiat, and go very well here. We expect every day Lord Dartmouth with the troupes from Tanger—the Gazettes will tell you the foraine newse.

For the Marquis of Queensberry.

85. Recommending to him an affair of Lady Marischal when he should come up—arms being bought by Scots at Utreclit,

London, April 5: 1684.

I had not tyme the last post to answer yours of the 27: of Mareh, but before I do forgett it, I must recomend an affaire of Lady Mareshal's

to you. 'Tis that you would, before you come away for that place, speake to the Lord Mareschal, that he would satisfy hir in hir just pretensions, for otherwise she will be forced to move his Majesty to give his helping hand towards it, who will hardly refuse hir that justice; and against the tyme you eome hether, pray, informe yourself so of that affaire that one may the better know what to do in it. I wonder what should encourage Sir William Scott not to pay his fine, being sure the 1,500: will not be remitted him. As to the Lord Ballantine, the warrant was already past his Majesty's hand, and I engaged in it, so that it must be eontinud to him till his nephew shall be of age; if he misbehave himself, upon complaint what is fitt will be done. As to your up coming, I am to go on Monday to Windsor, and shall from thence send you word when it is to be; and by yours of the 29: of March thinke the soner will be the better, for severall reasons. My next will tell you the very day I would have you all here. By letters which I have jnst now had from Holland, I am informed that the Scots which are at Vtrecht are about buying of arms there, to send into Scotland. By the next post I expect a further information of it. In the meane tyme, I thinke it wou'd do well to have those ports watched, wherc 'tis likly they may be sent, but that with the least noise that may be.

For the Marquis of Queensberry.

86. Death of Lord Montrose to the King's great loss, and disposal of his troupe—was glad he had put some money up in the Castle — Holloway, the conspirator hanged.

London, May 1: 1684.

I have had seuerall of yours to answer, the last of which is of the 25: and shall only tell you now that I was very much trouble[d] to heare by it that Lord Montrose was dead; the King has had a great losse of him. As to his troupe, his Majesty has been pleased to confer it upon the Lord Lewingstoun, that is the lieutenant, the cornet, Murray, will be advanced; and I intend to desire his Majesty to give the cornet's place to Captain Hume that commands the Grenadiers, and his company to Meldrum's brother, that is now in Dumbarton's regiment. I am glad to heare that you haue put up some mony in the Castel. What els I have to say in answer to any of yours, I shall defer till I see you. Yesterday, Holloway, one of the conspirators was hanged, and died with little concerne for him self; and tho' he owned the conspiracy, continuald stuborne as to his factious principles. As for foraine newse, you will find it in the Gazette.

For the Marquis of Queensberry.

87. Was glad to find that most loyal men were pleased at Perth's being made Chancellor.

Tunbridg, July 22: 1684.

This is only to tell you that I haue had yours of the 15: by which I am very glad to find that most of the loyal men are pleased at Lord Perth's being made Chancelor. I haue not yett seen what past at the Secret Comity, but beleve I shall when I am at London, where I intend to be to-morrow. I came yesterday from Windsor, and when I returne back thether, which I intend on Thursday, shall answer more particularly your letter, hauing not tyne to do it now.

For the Marquis of Queensberry.

88. Was pleased with the good understanding between the Chancellor and the Marquis of Atholl—Kind usage of the Duke of Monmouth by the Prince of Orange scandalises all honest people.

Windsor, July 25: 1684.

Since I wrot to you from Tunbridg I haue had yours of the 17: and two from the Secret Comitty; and am absolutly of their opinion as to the parliament, and thinke their reasons good for the not calling it any tyme this autum. I am very glad to find you have made so good an understanding bettwene the Chancelor and Marquis Athol—'tis a very good service to the King. The Secretary shall be sure, as you desire, to give speedy and full answers to all that the Secret Comitty wris; and I shall be sure to follow the aduice you give me as to seuerall things in your letter, which I need not repeat. Your brother, Colonel Douglas, is here and has given me a full aeeount of all things have past from whenee he eoms, and the kind usage the Duke of Monmouth and Lord Brandon haue had from the Prince of Orange scandalizes all honest people here, as well as where you are, and encourages the factious party. If Smith be here, I shall send him downe to you. I have not now tyme to write to Lord Kintore, but will do it; and you may be sure shall remember to moue in your concerns, when 'tis a proper tyme. I have not tyme to say more now.

For the Lord Treasurer of Scotland.

89. The “Boots” had done no good upon Spence—proposed match between the Countess of Wemyss and the Treasurer’s second son.

Windsor, August 5: 1684.

This morning I received yours of the 29: of last month, and at the same tyme had a freind of Mr. Marr’s with me, who had also received a letter from him, in which he, Mr. Marr, gave him an account how kind you had been to him, for which I thanke you very hartely. I find by yours the Boots had done no good upon Spenee, and beleve him so stuborne he will not owne what he knows. As to what you mention eoncerning a proposal hauing been made to you for a mateh bettwene the Countesse of Weems and your second sonne, I do approve of it very much: for, besids that it will be of advantage to him, I do realy look on the lady as a very good yong woman, and one that I have a very good opinion of, and one that I am very eonfident of will never go about to endeavor to alter your sonn’s princelpels; and if she should, would I am sure never be able to alter those he has had from you; so that I thinke you cannot do better then to accept of the offer. I have sayd nothing of it to no body here, nor shall I till I heare it is concluded. I have not tyme to say any more to you now, but that all things are very quiat here.

For the Lord Treasurer of Scotland.

90. Spence was begun to speak—Duke of Hamilton should be added to Committees.

London, August 15: 1684.

When I eame back from a little voyage I had made to Chatham, Sheernesse and Tilbury, I receued yours of the 7: by which I was glad to find that Spenee began to speake. I hope to heare sone he has been engenious and will discover all he knows. As for your owne conerne, you may be sure I shall move in it when the tyme will be proper. I shall be sure to be very eautious as to what you mention concerning Tom Gourdon. As to Duke Hamilton, you will see by what the Secretarys wrot what his Majesty has ordred concerning him; since when Lord Dumbarton shewd me a letter from his brother, Duke

Hamilton, in which he complayns that he has not been named of any of the publike committys since the new Commission of the Councell has satt. How it coms he has not been named of any of them, you know best; and I do not see that there can be any harme of his being of any of those committys he was formerly of. I have writen the same thing to the Chancellor only; and, if you two think there is no inconveniency in it, would have you name him of such of the committys as you think fitt, and what is to be done is best without noise. I have not tyme to say more to you now.

For the Lord Treasurer of Scotland.

91. Changes in the Government.—Suggestions as to new Secretary in Lord Middleton's place—names Lundy as a suitable person.

Windsor, August 25, 1684.

You will have heard from others the alterations his Majesty has made here, of a new President of the Councell, in the Treasury, and Secretary of State, so that I need not repeat them to you; and only tell you that I think his Majesty has made a very good choise, and that Lord Rochester has long desired to be removed from the Treasury. By Lord Middleton's being advanced, there must be another Scots Secretary to supply his place. There are three have been named for it, which are Lundy, Lord Regester, and Drummellier; but I have desired his Majesty not to come to any positive resolution till I heare from you and the Chancellor upon it. I confess if Lundy think it better then the place he has, I am for his being it, and have writen to the Chancellor to that purpose; but if he should rather chuse to keep the employment he has, then I would be glad to know your opinion, which of the other two or who els you think properst for it; or in case Lundy should chuse to be Secretary, whether you think Drummellier would be fitt to be treasurer depute in his place; or if you do not like him, who you would propose. Pray, speake with the Chancellor upon these affairs, and lett me have your opinions on these affairs as sone as you can. To-morrow we go to Winchester. I haue charged Lord Morray to write to you about somthing Sir Archibald Stuart has spoken to me about, having not tyme to do it myself, and shall only say, I look on him by what I heare of him to be a loyal man, and one that deserves to be countenanced, but of that you are a better judg than I am.

For the Lord Treasurer of Scotland.

92. Successor to the Archbishop of St. Andrews—Leave to Lord Lauderdale to come to court.

Winchester, September 1: 1684.

I haue had yours of the 21: of August, which I haue not tyme to answer now, but have yett had none from you by the last post, which brought me the newse of the death of the Arch-Bishope. I immediatly gave his Majesty an account of it, and desird him not to dispose of it till I had writen to the Chancellor and yourself about it, to have yours and the Secret Committi's opinions who you thought fitt to fill that important place. I told him that amongst the bishops, I knew none so proper as the bishop of Dunkell, but that I would not take upon me without advising with you to recomend him or any one els to him; therefore, pray, lett me know as sone as you can your opinions upon this matter. That which fortifys me in my opinion of the fitnessse of the Bishop of Dunkell is, that when I named him to you and other of the Secret Committi at Windsor, there was no objection then made by any against him. However this does not hinder your proposing any one who you may think fitter for it; and I shall take care nothing shall be resolued

in it till I hear from you. Lord Maitland is come here to propose a letter to be writen to you from the King about a decret past against his father; but Lord Morray not being here, I am not fully informed of it, and so have sayd nothing to his Majesty of it. Lord Maitland prest me to gett leaue for his father to come up for a few days to court only to kisse the King's hand. The answer I gave him from his Majesty was that he did not know how matters stood, bettwene that lord and you of the exchequer; that, therefore, if he would, he could not answer him now. But his Majesty bad me tell you, that, if such of you of the Secret Committy that shall be togather think there may be no inconveniency in letting Lord Lauderdale come up, you may lett him know he may come when he pleases.

September 1, 1684.

93. Successor to the Archbishop of St. Andrews.—Lundy to be Secretary.

Winchester, September 8: 1684.

The same day Dr. Fall arrived here I had writen both to you and the Chancellor, to haue had both yours and the privat Committy's aduice who you thought the fittest to succeede the late Archbishope of St. Andrews. But he, bringing from you what I desired, I did not thinke it necessary to send on that letter, and to stay answering yours till the bearer was dispatched, which had been soner done if Lord Morray had been here when he came to this place; for his Majesty dos aprove of the persons named by the Secret Committy in their letter to me, being fully satisfyd with the reasons for their proposing those removs to him. I confesse till Dr. Fall gave me the reasons which prevailed with all of you to propose those you have done, I was in my owne mind for the Bishop of Dunkell's being at least one of the Archbishops, but the reasons were given me outwaiged the partiality I had for him, and convinced me that what you proposed is most for his Majesty's seruice. The long narrative, and the copys of Argil's decyphred letters you sent up will be printed, as was desired; but whether by its self, or in the generall account of the late conspiracy, which is now ready to come out, is left to the consideration of the person that wris it. I receved two days since yours of the 31: of August, both by which and the Chancellor's letter of the same date I saw Lundy liked what was proposed to him; of which I immediatly gave his Majesty an account, and desired his Majesty would be pleased not to dispose of the treasurer deput's place till I heard from you againe upon that subject. Lord Morray has order to prepare the necessary warrant for Lundy's being in Earl Middleton's place, which will be dispatched so soone as his Majesty returns from Portsmouth whether we are just now agoing; but as you desired I have writen to the Chancellor, should not come till they had dispatched the Clidsdale Commission, and then he might come up and take possession of his place of Secretary, and giue his Majesty an account of it. When I began to write I did not thinke to have sent you the enclosed, but not hauing tyme to write over the later part of it, I send it to you. I feare I left the paper Lord Dumbarton gave me from your brother about the regiment of Gards, in a cabinet is gone to London. Lett your brother giue you another to send me, and then I shall giue you my opinion concerning it. What els I have to say I must refer to this bearer, Dr. Fall who I find to be a very ingenious man, and will deserve to be aduanced.

I have not heard who besids Drummellier are pretenders to succeede the treasurer deput.

For the Lord Tresurer of Scotland.

94. The Duchess pressed him for the pension to Lady Largo ; Lundy to be Secretary, &c.

Winchester, September 12 : 1684.

I came back hether from the Portsmouth voyage yesterday, and found here yours of the 2 : whieh before I go to answer, I must tell you, that the Dutchesse presses me so much to haue the pention of one hundred pounds past for the Lady Largo, that I can no longer put it off, she telling me you had assured here, when she spake to you at Windsor about it, it should be done. Therefore, pray, send up the draft of a warrant in the right forme, that I may gett it signed here, and I shall defend myself well enough from others solicitations. I am glad to heare by your letter that all things have gone so well where Marquis Athole is ; and I remember very well 'twas not your fault it was not sooner gone in hand with. As for Sir Archibald Stuart of Blackhall, he took his leave of me when I came from Windsor, and you are sure nothing of that kind that he eame to solicit here will ever be done without aduising with you first ; and I find by a letter I had from you of the Secret Committey, that they had been allarm'd also upon the same subject ; but you see by what I have sayd, that neither he nor any other shall impose on me in matters of that nature. As for the Secretary's place, you will have seen by myne which I wrot to you by Mr. Fall that Lundy was to have it, and that he is not to eome from thence till his Clidsdale voyage was over ; so that all other proposals whieh were made are out of doors, and you may be sure nobody shall know what you have proposed concerning it, nor do I ever read or shew any parts of your letters to any, but such parts of them as may be seene ; so that you may continu still writing very freely to me, as you do. And tho' it would not have been proper for Lord Middleton to haue kept both places, yett he shall be aduised with as much as euer in all Scots affairs. As to a new treasurer depute, you are sure nothing will be done in it without consulting with you. You see I named Drummellier to you to know your opinion of him ; if you thinke of any fitter for it then he, and of as good quality, (for the treasurer deput being an officer of State, must be given to one that is so) lett me know it, that I may mention him to his Majesty. I find the Lord Angus has no mind to go for Scotland yett, and is desirous to go abroad to improve himself. He is certainly in the right, and I commend him for it ; and thinke he aught to be gratified in that point ; and you may take eare to send a discreet man with him.

For the Lord Treurer of Scotland.

95. The Treasurer Depute's place—Duke of Hamilton in good temper.—Designs against the Treasurer.

Newmarkett, October 19 : 1684.

I hauc had yours of the 3 : from Dumfreis, but before I shall answer it must say some thing to another of yours of an older date. I see by it there are many pretenders to the treasurer deput's place. I confesse I am of yonr mind, and thinke Kintore the fittest for it ; however, shall not absolutly propose him to his Majesty till I heare from you againe ; only I will take care he be not engaged for anybody els. I shall not tell any you haue named him to me or recomended him, tho' I find some here beleve you will be for him beforc any els, knowing the kindnesse you haue for him. As for yours of the 3 : I find by the aecount I haue had from Duke Hamilton and the rest of the comittie was with him at Glasgow, that he was in the temper you left him in, and has behaued himself verry well. And now that he is so far dipped in the King's service, I hope he will start no more I thinke the Earle of

Tarras petition needed not to have been sent up hether, but it shall not hinder his tryal ; for 'twould be a strang thing that none of those who were taken, and found to have been in this damnable eonspiracy, should be brought to their tryals, and suffer for it. Seot of Ancrum is not yett come up ; if he dos it will signify little. As for a Parliament in Scotland, I am of your opinion that it will be necessary some tyme in March, and shall see to order my affairs so as to be able to be there about that tyme ; but shall not speake of it here as yett for scme tyme. I had heard before from others of the designe some of the rogus had against you ; you will do well to have eare of yourself ; for now that they see they cannot bring any rising in arms about, they will endeavor such kind of assasinations. I am very well pleased with what has been done by Marquis Athole and others in their seuerall districts, as to the getting wherewithall to raise more men for his Majesty's seruice. When one sees what the whole will come to, then it will be proper to consider whieh will be best to turne them to, horse, foott, or dragouns ; and besids what is given by the severall shires for that purpose, I have spoken to his Majesty that the fins and forfiturs may be added to it, to make these new raised forees be the moré considerable. As to your owne affaire, I have againe spoken to his Majesty about it, and may tell you it will be dispached so sone as ever we eome to London, where we shall all be by the end of this weeke. As for Salton, eare shall be taken to haue him insisted against. I intend to go from hence for London two days before the King.

For the Lord Treurer of Scotland.

96. The King pleased with his sueess in Kirkcudbright.

London, October 25 : 1684.

On Thursday night when I arrived here from Newmarkett, I reeived yours of the 10 : from Kircudbright, by which I find you have had very good sueesse in the King's seruice, and have brought that eountry into very good order, and have brought them to make his Majesty a very handsome present. I have given him an aeeount of it, who is very well satisfied with that, as well as with your other seruices ; and now your warrant will be sone dispached. As I had writen thus far I was intu-rupted so that then I could not make an end of answering all your letter ; whieh now, it being late, I must defer till next post.

For the Lord Treurer of Scotland.

97. His seeond son should have a troup in the new raised forces—His warrant and Huntly's would be signed in a day or two—information against Lord Stair.

London, October 28 : 1684.

I told you in my last of the 25 : that I had not then leasur to answer all the parts of yours of the 10 : but I have, and to begin do thinke it very resonable that when there are any new forces raised your second sonne should haue a troupe ; and I am of your mind that they aught to be all horse and dragoons. And, pray, so sone as you shall be at Edinburgh, and are informed of what the seuerall shirs haue giuen, and what prospect you haue of what forfiturs are likly to be made and they may amount to, lett me know what number of horse and dragoons may be raised. As for what you mention eoneerning Lord Secretary Lundy's pention, I must look over the establishment, which I have not just by me here, before I can say any thing to it, but by the next I shall. I assure you what was reported about Craigie hauing a promise for a troup is a mistake, for neither Lundy nor any body els ever spake to me

for him ; and till I know what troupes can be raised, I will make no oþher engagment but what I have done now to you for your sonne. I had almost forgott to tell you that the Chancelor, Lundy, and others of the Secret Committie, espesiially the two first, haue in seuerall of their letters haue done you justice in letting me know upon severall occasions how well you serve his Majesty, and how industrious you are in it. I say this to do them right, for you know already how satisfyd I am with you, and so is his Majesty. As for your concerne, both your warrant and Lord Huntly's will be signed within a day or two ; but his Majesty will haue them kept here till Lord Huntly's returne to Scotland ; but if that be not sone, I shall presse his Majesty that the warrants may be sent downe. As I had writhen thus far, I received yours of the 18 : from Wigtoun, by which I see you have brought that shier also to do as well as Kircabright had done. I see by [it] also you had gott good information against Lord Staire, which I hope you will prosecut when you come to Edinburgh. As for what you propose concerning Lord Secretary Lundy's staying till Christmas in Scotland, I shall eonsider of it ; and as to the Parliament, I am still as I have already writhen to you, that it will be proper for me to go downe to you to hold it in the spring. As to affairs in England, they go all very well ; and tho' there has been some changes made of late, in the Treasury and els where, there is none in any of the mesurs layd downe, and all things go as well as can be desirdc. I haue not tyme to say more now.

To the Lord Tresurer of Scotland.

98. Parliament of Scotland to sit iu March—the Duke to be Commissioner, and not to be long detained.

St. James's, Nouember 8 : 1684.

I thought by this post to haue answered both your letters—the one of the 27 : of October from Dumfreis ; and the other of the 28 : from Newbie ; but businesse intervened, whieh gaue me not leasur to do it now, but intend to do it by the next ; so that now I have only tyme to tell you, that his Majesty, in persuance of what you of the Seeret Committie aduised, has resolved the Parliament in Scotland shall sitt in March ; and by this post there gos a letter to them about it, with one enclosed to them for the Councell, which the Secret Committie is to deliver when they thinke it proper. And I hope you will prepare things, so as when the Parliament sitts and I am with you, I may not be obliged to stay long from his Majesty, which is all I have leasur to say now.

For the Lord Tresurer of Scotland.

99. A Declaration put up by “rebels” on the church doors—His son’s commission for a new troop sent down—Roswell a Presbyterian minister found guilty of treason for preaching sedition.

St. James's, Nouember 18 : 1684.

I haue now yours of the 5 : and 9 : to answer. As to what you say in the first conerning some officers that are not thought fitt to be continuald in the seruicee, 'twill be tyme enough to speake of that when I shall be with you at Edinburgh. As to yours and Lord Huntly's warrants, he intends to go from hence next weeke, so that it is not worth the speaking to his Majesty to have them sent downe sooner to you. I see by yours of the 9 : that another declaration has been put up by some of the rebels upou soine church doors, one of whieh has been sent me by the Chancelor ; 'tis well they can do nothing els but that, and rob poore ministers' houses. Either you or I have been very

much misinformed as to L: C: Wachop, for Mr. Chudleigh, Captain Ramsey, Captain Maxwell and others who haue knowne him in Holland give him quit another carracter of him; and you see the regiment is not yett given him, which had he been in favor would have been done long before this. I heare that Meldrum is dead, and Earle of Earley is to haue that troupe againe, which he has very earnestly desired; and indeed it was but resonable, he hauing never desired to part with it. Your sonn's commission for a new troupe shall be sent downe to you, so sone as you send to me the names of those you would have to be his lieutenant and cornett. For the lieutenant, it is fitt he should have seen some service, so that either one Crighton, who you mentioned formerly to me, or one Lieutenant Sturat(*sic*, Stuart), who is now in Dumbarton's regiment, would be the fittest; and for disposing of any other troupes, there is tyme enough to consider how to giue them to, when one know how many can be raised; which is all I shall say now, but that one Roswell, a Presbyterian minister, was this day at the King's Bench found guilty of treason by the petty jury, for preaching seditiously at one of their meettings.

To the Lord Treurer of Scotland.

100. Lord Meldrum's troop.

St. James's, Nouember 20: 1684.

The last post brought me yours of the 12: and before this getts to you you will see by myne of Tusday last how Meldrum's troupe was disposed on. As for the pention he had, 'tis but resonable it should be continuald to his lady, therefore, pray, send up such a draft as is necessary for that purpose. I haue not time to say more now, but by the next post shall answer what you mention concerning Lord Kintore.

To the Lord Treurer of Scotland.

101. The Duke of Richmond and Bishop of Edinburgh—The Earl of Kintore to be Treasurer Depute.

St. James's, Nouember 22: 1684.

Since my last to you of Thursday I haue receued yours of the 13: and to what you say concerning the Duke of Richmond, it will be tyme enough to speake with you of it when I shall be with you; and then also it will be tyme enough to talke with you about the Bishope of Edenburgh, whos letter I send you back here enclosed. As to the tresurer deput's place, his Majesty is resolued Earl of Kintore shall have it; therefore, send up a draft of the signatur to Lord Morray for that purpose, and propose what you thinke fitt he should have altogether, which must not excede what others in that place had before him. I have not tyme to say more now.

To the Lord Treurer of Scotland.

102. Two gentlemen of the Guard murdered by fugitive rebels near Blackburn.

St. James's, Novcmber 27: 1684.

This I hope will find you safly arriuied at Edenburgh; and by the letters which came from thence of the 20: and 22: yesterday, was informed of the murther was comitted by some of the fugitive rebells, upon two of the gentlemen of the Gard neare Blackbourn, in persuance of their late declaration. It shews of what abominable principles they are, and what all loyal men are to expect from them, for now they are not in a condition of doing the government any harme, they will vent their malise upon privat persons; so that all you, that have so great a

share of the affairs there, aught more partieularly to have a care of yourselvs. You will see by his Majesty's letter, which is to go by this post, that he aprovs of the methods proposd, for the finding out and punishing such desperat villans. I haue not tyme to say more now.

For the Lord Tresurer of Scotland.

103. The Earl of Kintore's commission to be sent down—movements of the Duke of Monmouth very seeret—He came over in the same boat with Lady Henrietta Wentworth.

St. James's, December 8: 1634.

On Friday last I had yours of the 29: of last month, but had not tyme to answer it till now. As to the officers of both your sonn's troupes, their commissions are sent downe conforme to the list you sent to Lord Dumbarton. As for Earl Kintor's commission, it will be dispacheded in the common forme, the pention and fees as you proposed. I wonder Lord Tarras his tryal is not gone on with. I will writ by this post to the Chancelor to put them in mind on't. I do not thinke strang that where you are people have been allarum'd at the Duke of Monmouths being priuately here in England, since many many loyal people have been so here upon that account; but there is no real danger of it, his Majesty hauing no inclination to receive his deceiving submissions againe. He has kept himself very close here, so that we could neuer know certainly where he was. I have been positivly assured he came over in the same boat with Lady Henriette Wentworth; but whether he be yett here in England, I do not know. Whether he be or no, that will not hinder my being with you in March; which is all I shall say now.

For the Lord Tresurer of Scotland.

104. Pleased he was satisfied with Orbistoun—Shepherd to be sent down—Clavers not master of himself at the Council. Had received a letter from him excusing his warmth of temper on that occasion. The Duke of Monmouth and Lady Henrietta Wentworth—movements of Monmouth.

St. James's, December 18: 1684.

I haue now only yours of the 6: to answer, by which I see Lord George Drummond was gone westward with some of the troupes with him, and as you do, hope it may have good effects. I am glad to find you so well satisfyd with Orbistoun; 'tis a signe he dos his duty well. Sir J: Seott of Ancrum has been here seuerall days, but has yett sayd nothing to me about Earl Tarras nor nothing els. As to Sheepherd, Lord Chancelor by the last post wrot to me also about his being sent downe to you. When you there thinke it tyme for him to be there, he shall be sent; but, pray, order it so that he may be obliged to stay as little as may be, he being a marehand, and it would be prejuditial for him to stay long away from hence. I am sorry to heare that Clavross was so little master of himself the other day at counecell; both the Chancelor and Lundy gave me an account on't, and of your temper not to take advantage of it. I had a letter from Claurous by the last post, who endeaours to excuse his warmth by saying he took what was sayd as leveld at him, but of this more when Lundy shall be here. As for a paymaster for the army, I have heard of it from nobody but yourself; if you approve of it, and that it be of no charge to the King, nor the troupes, I am for it. As for newse, the Duke of Monmouth arrived at Bruxelles, I thinke the same day the Lady Henriette Wentworth did. They came over hether togather, and I beleve and I am confident returned so to. What his businesse was here I do not know; 'tis sayd

'twas to gett Lady Henriette Wentworth to settle her estate upon him. I am sure he has had no other advantage by it, and all things go very well here.

[Address wanting.]

105. A minister murdered in Galloway—Lord Breadalbane's protection
—Prince George and his daughter not to go to Scotland, &c.

St. James's, December 22: 1684.

I had last weeke yours of the 13: but not tyme to answer it by the last Saturday post; by which I find that some of the fugitive rebels had murtherd a minister in Galloway; by which one sees that those desperat villans will losc no oportunity of doing what mischeef they can, and would spare no body, and do more were it in their power. And I am sure you of the Secret Comittie will continu your care and vigilancy to secure the government from such bloudy principled villans. Lord Levingston arrived here last weeke, but has yett sayd nothing to me about any thing; when he dos I shall agree to nothing hastely; and if any other applications be made to me for any thing, I shall put them of till the Parliament, and I upon the place. As for Lord Breadalban's protection, as he represented it, I did not thinke it would have made so much noyse, and if he uses it no otherwise then as he assurs me he will, it cannot be of prejudice to any. I hane told him he must be carfull not to abuse it, for if he dos it will be the worse for him. As for the affaire of the estate of Argile, such a letter shall be writen to the Secret Comittie as you propose. As for the newse you had of Prince George and my daughter's being to go for Scotland, 'twas neuer thought on here; and, God be thanked, she is not in a condition to make snch a voyage, being fower months gone with child. As for a man of war to transport some of your prisoners, besids the charge it will be to the King, till March be over, 'tis not safe sending a ship to fetch them; but by April I hope to contrive it so as to gett onc for that purpose, and will settle that matter when I am with you. I find by your letter, as well as by others I had from where yon are, that Marquis Athole has scrued his Majesty very well in those disaffected shire[s] to which he was sent, and was at some charge in doing it. You may lett him know I have given his Majesty an account of it, who is very well satisfyd with him for it; and when I come downe, care shall be taken that he be no loser, out of some of the casualitys that will come into his Majesty's hands from some of the disaffected shirs; which is all I have to say now.

For the Lord Tresner of Scotland.

106. Earl Tarras's confession—countenance to "rebells" in Holland
—Lundy's pension.

Whithall, December 30: 1684.

The last weeke I had yours of the 20: by which I find Earl Tarras has confesst all and throwne himself upon his Majesty's mercy; 'twas the best thing he could do. As for what you say concerning the countenance the rebells gett in Holland, and the pretended judicatur they have sett np there, I gave his Majesty an account of it, who spake himself last night to the Dutch Embassador abont it; and Lundy has directions to write downe to you there, that all the information can be gott of that affaire may be sent hether, and you may be sure we here are very sensible that it is necessary to do what may be to gett those desperat villans driven out of Holland. I have not heard any thing of what you write concerning Lord Aran, and cannot beleve it to be true, since I know not the least ground for snch a report. As to Lundy's

pention, since Lord Middleton's was continual to him when he was Secretary, the same must be done now. This is all I haue tyme to say at present.

For the Lord Tresurer of Scotland.

107. Sentence on Earl Tarras—Orbiston had met with a party of "rebels" in the West—that villain Oates to be tried for perjury.

Whithall, January 13 : 1685.

I haue reeived yours of the 6 : and by it find Earl Tarras had reeived his sentance of forfitur in the common forms ; and as you say 'twill be tyme enough for his Majesty to signify his pleasur eoneerning him, when

come downe to you. I see that Orbiston has meett with a little party of the rebels in the West, which with what had been done before and the settling the garnisons you ordred Lord George Drummond to do, will I hope keep all those fugitive rebels quiet. As for all things here, they are very quiet and go very well. That villan, Oats, is to be tryd for perjury next terme, which begins on the 23 : of this month. I heare Lord Arran intends to come from France to be here tyme enough to go along with me for Scotland. I shall then easily see whether there be any thing of that you once mentioned eoneerning him. I have not tyme to say more.

For the Lord Tresurer of Scotland.

108. The Treasurer's brother sent towards Wigton and Kirkeudbright with foot and dragoons to protect honest people against fugitive rebels.

Whitehall, January 22 : 1685.

I had yesterday yours of the 15 : and as to what the Seeret Commyttee haue writen to the Secretarys, you will have an answer from them. I see you found it necessary to send your brother towards Wigton and Kireubrigh with some foott and dragoons, to prevent the honest people being disturbed by the fugitive rebels. It is so late that I have not tyme to say more now.

For the Lord Tresurer of Scotland.

109. Affair of the Duchess of Lauderdale—Castle of Blackness—Favours to some Catholies—no indulgence to "phanatiks."

Whithall, January 29 : 1685.

I haue had yours of the 24 : by the flying paequet ; and as to what the Seeret Commyttee has sent up, you will have an answer of it from the Seeretary, so sone as his Majesty has tyme to look over and eonsider all the papers they have sent ; so that I need say no more as to that. I see by it that your brother was asettling the garnisons in Cliddsdale and Galloway. As to what you say eoneerning the sommer sessions, nothing has been sayd to me of it here as yett ; if any dos, you may be sure no resolution or eneouragment shall be giuen to it from hence, and the Parliament will know in that what is best for themselvs. I have not yett had tyme to look over all the papers and letters have been sent up from the Lords of the Sessions and others conneerned in that affaire of the D^e of Lauderdale. You may be sure it will be well eonsidred before any resolution be taken in it. As to what you say as to Blaeknesse, 'twill be tyme enough to speake to you of it when I see you. I am glad to see that Lothien and Fife haue done so well. As to the noise was made where you are, as if a new Indulgencie was intended here, there is no such thing ; the report was

raised by some who haue a mind there should haue been one, and to hinder some fauors his Majesty intends to some of the Catholiks, who either themselvs or relations have served and sufferd for our family; but the King knows to well both the princeples and practices of the phanatiks to well ever to give them any indulgence. I never shew your letters to any body and haue not tyme to say more now.

For the Lord Tresurer of Scotland.

110. The change in the Prince's condition had made no alteration in his kindness for him. (King Charles died on 6th February 1685.)

Whitehall, February 16 : 1685.

I haue receaved yours of the 10 : by the flying pacquet, and haue now only tyme to tell you that the change of my condition has made no alteration in kindnesse to you, having the same esteeme and concideration for you I had before; which I am sure you will give me no reason to alter; so that you may be at quiat in your mind, and shall find I have the same trust and confidence in you I had, and am sencible none has serued me better and more faithfully then you, and do rely on the continuance of it. As to other things, you will know my pleasur from the letters I haue signed, and what the Secretarys will say to you.

J. R.

For the Lord Tresurer of Scotland.

111. Recommending the Bearer of the Letter.

Whitehall, July 1 : 1685.

I would not lett this bearer returne back to you without a letter from me, tho' he going back by sea, is not like to be so sone with you as the post which gos tomorrow; so that all I shall say to you by him is that I am well satisfyd with him, and look on him like an honest man; and shall be glad that some thing may be found to shew him a kindnesse.

For the Lord Tresurer of Scotland.

112. Recommending Robert Barkley, a Quaker, as well affected to the King.

Whithall, July 16 : 1685.

Tho' I haue not great reson to be well satisfyd with the Quakers in generall, yet I look on this bearer, Robert Barkley, to be well affected to me; so that I would have you shew him what countenance is reasonable, and not lett him suffer for the faults of others of his perswation, which is all I shall say now.

For the Lord Tresurer of Scotland.

SECTION II. Eighty-one Letters from William Douglas, third Duke of Hamilton to William Douglas, Earl, first Marquis, and first Duke of Queensberry. 1676-1685.

113. Defending himself from a charge of unkindness — Queensberry's children at Glasgow.

Craford, 1 September 1676.

Since I write to you from Edinburgh, I received yours of the 26 of August. As to publict matters I shall leave debating about them till wee meet. But for the ill usadge you say you have mett with, in particulares both of my ouen concern and my nevoy, Annaudales, I know

them not; and if any have reason to complean, I have it; and give me leauie to tell you I thinke they ar not matters of that concernment that should ether occasion unkindnes or lessen frendship. And if yow judge of your frends at that rate, cartenly you must thinke ther frendship little worth, and I beseech you tell me these persons of discreation that takes notice of my carriage to you to be unkind or with want of respect, and I shall fully referr to them the decession of all the particulares they conclude it by; so much so I desire to satisfie you. And it seems as to these little particulares of Whiteampe Teinds they had best be so decided I cannot att present lett you know when or wher I can waite on you; if your occasions bring you to Glasgow to see your children and then in passing I should expect to see you at Hamilton; or it is not much out of my sisters way to Edinburgh, if you wold do me the honor to bring her that way, wher you shall be very heartly wellcome to your most humble and faithfull servant. Adieu.

I did not hear of your brother James being killed, but Robert, of which also I know no cartanty. They say your brother James was sicke of an ague the time of the seige—The eagle ston was returned. My humble service to my sister.

114. Wishes for a perfect understanding—tryst of Marriage between Enterkin and Bargany's sister—Kincardine's account of his meeting with the King.

Hamilton, 19 September [c. 1676].

I did not think to have given you this trouble untill my return from the West, wher my wife and I am goeing to morrow to see Cassilis and Cochran, nor did I think you had been returned from Galloway till I receivèd yours this day. I shall not insist further this way to debate the reasons of mistakes, ather as to publick or privatt concerns; that will do best at meeting; and if wee cannot accomodate matters our selves, ther is no friend I will decline to be judge in it, and ther is no advances you can make touards a perfect understanding that shall not be equally mett with [wishes a meeting at Edinburgh]. I haue taken all the pains I can about the election of Galloway, and I hope Bargany will be ther; you have done all that can be in it. Cochran and Sir John Cuningham was here this day with me about a tryst of marriage, betuixt Enterkins son and my neice Kat:, Barganys sister, which is agreed. They told me Cragy and Blair was doeing what they could to make friends to gett them selves chosen for Air at the next headcourt, but I hope they will not come speed. I saw an account of what past betuixt the King and Earl Kincairn at first meeting. Ther was nothing of me in it; the King only told him he had warned him to be warre of those people and he had not done it. He told the King he knew not what he meaned. The King sayed he meaned by those who had been lately so trublsome and who he thought once so himself. He said he could answer for the company he had keeped was as loyall subjects as his Majestie had; and besought his Majestie to condessend on particulares which wold clear the truth best, which the King promised and went away. I find as you say he is not without hopes which a little time will clear. I hear my brother, Dumbarton, is at Paris and is ordered presently over about more levies here, which is suposed that they may be gote befor the parliament of England meets least they might hinder it. When any thing els worth your knouledge comes to me you shall have it. My wife presents her service to you and both of us to my sister, and I am very really your most faithfull servant.

115. Had met with the Sheriff of Galloway—Kincardine's meeting with the King.

Hamilton, 6 October [1676].

I received yours by the bearer. If I had had anything worth your trouble, you should have heard from me befor this. I mett with the shiriff of Galloway when I was in the west. He told me the Preceedent said to him he wold not be at the head eourt in Galloway, and that they needed no election, and that he was to be at the nixt eounzell. However, the shiriff was advised to make the election, and ther's some gentlnien in the shire of Air that has relations ther that gives some hopes that the Preceedent shall not be chosen, and I never saw a man more generally hated than he is ther. I had the fortun to see Cragy on the high way as I was at hunting. I ehalenged him for subseryviug the letter againtest ns which he fairly forsuore as he does to everybody els. However, I talked very briskly to him of it. I have not heard anything of Kinearn since his first meeting with the King, but from second hands I find it reported the King should objected his conversing with the Chaneelor and me. The conversing with me I think not much, if it be; but it is a pret yode thing to chalang his converse with his own cheife minister of State; and if it be true, it seamns the Chancelor is ill enough stated ther; but its like you may hear more of it from himself. You challenge my telling James Carruthers what you write coneerning him. Truly, I told him nothing but what I thought was in obedience to your commands, and what I told him I think deserived not the tearm of ill nsag. I am surc I designed it not so, nor did I think you wold taken ill what could have been told him of that nature. I am sure if it had come to my ears any of yonr servants wer reported gilty of such things, I wold very friely tell you I heard so, and not think you injurred me in telling your servant so mnch, and pntting it to the tryel. I did not hear anything of the Duke of Munmouths ordering the keys of his charter ehist to be given the Lord Melvill, tho I saw both Dumfries and Coehran in the west; ether it is old or had not reached ther knowledege. I do not resolve to be in Edinburgh befor the Session and am not cartan when ther. So soon as I am resolved I shall lett you know; or if any thing call me sooner as I desire to know your goeing if it shonld be befor mine; and when any thing worth your knowledge comes to me yon shall be acquainted with it. So, heartily, adieu.

My wife remembers her humble serviee to you, and both of us wishes you wold cause my sister return home this way and meet her here, whien you shall have hearty welcome.

116. Kincardine's acconnt of his interview with King Charles the Second and the Treasurer of England.

Hamilton, 15th November 1676.

I was at Kinneill when your last come here, wher I mett with Kincairn; and all I could find more by him is that he gave the Treasurer of England and other Ministers ther full satisfaction in that bussines wherfor wee was turned out of the councill, of which they wer mightely misinformed. But for the King, it seamns he was resolved to have no satisfaction in it, he was so prepossesed; and albeit the King wold trust nothing was told him, yet I find Kincairn thinks his journey may be to good purpose, haveing given satisfaction to those Ministers who manages all affaires; and beside gave them other fnll accounts how L[auderdale] and his relations governs here, which he thinks may in time have its own weight. Its not doubt but the parliament of Eng-land will meet; the effects of that time must tell, and he says the

prejudice against L[auderdale] is higher than ever. I think it wer very fitt now frends mett and understood other ; and I hear many of our frends will be in Edinburgh about the end of this month ; so I wish you wer ther again that time or the first of the next month, wher I shall meet you and I hope putt things in some better way then now they ar. So I beseech you not to faill to keep punetually, for I must return here befor Crissenmase ; and then also I hope any of our particulares may be putt to end, which I am sure shall be my indevore as in every thing els that may remove all grounds of mistake, that our frendship may be suitable to our relation and interest. Adieu.

For the Earle of Quensbery.

117. About their meeting at Edinburgh.

Hamilton, 28 November 1676.

I have not seen nor heard of the man your last said should call here, so I give you this trouble by my nevoy, Forfar, who intends to waite on you. It was your ouen desir I should lett you know of my goeing to Edinburgh, which I intend this weeke, els I should not troubled you with it ether then or now, but that you said you wold keep that time both on the acoount of publict and private concerns, and that all grounds of mistakes might be removd, which you seamed as desirous of as I am. But sinee it seams now you intend it not without my Lord Chancellor advertisement, you may take your owen way for that ; for you must excus me not to trouble him in it, sinee I remember how litle succes my indevors had last sumer. So if you find it not fitt or convenient for you to come, I beseech you impouer some to satle with me eoneerning your teinds of Wheiteamp, which at your desire and the expeetation of meeting with you I delayed till now ; and so loth am I to be heard in any law pursuit with you, that I am content to submitt to any indifferent parsons, advocates or others. So name you one and I shall another. Thus you see every way is proposed that may fix and continue the frendship our relation and interest should lay us in, what ever may be the acceptation it may meet with. Adieu.

For the Earle of Quensbery.

118. He had observed a differcnee in his deportment to him, since his last visit to England.

Hamilton, 25 December 1676.

On Saturday last at my return to this place I reeeived yours of the 23rd, whereby I pcreave the misunderstanding of letters is not to be reconeilled this way ; so I shall forbear the enlarging, and onely tell you that I am not convinced that my deportment to you ether in Anandales busines or the teinds of Whitecamp could justly be construed as a decey of my frendship for you. What other grounds you have I know them not, nor was the indevores or malice of any possible to do it with me. I confes I observed a vissible change in you since I went last to England, both as to me and other concerns ; but this is not to impose upon you. I know you can best judge what is fittest for you, and if you desire att meetng more freidome in this I shall not decline it, being unwilling to intertain any mistakes of you, and I shall be glade they be so ; and as your frendship and kindnes for me did allways meet with as equall a return as was in my pouer, so I assure you it shall be so still, and is not in the pouer of any other to alter it. When I shall be in Edinburgh, I am uneartane ; when I come froni that, it was beleived ther that the Parliament of England wold sitt. Other newes I heard

none worth your trouble. So shall onely add my wishes for a happy New Year to you, and adieu.

For the Earle of Quensberry.

119. Sorry he had echanged his purpose of eoming to Edinburgh—oversight of Queensberry's children.

Hamilton, 1st February 1677.

I am sory you have again changed your resolution of being in Edinburgh, which your last seemed so positive in, and by it I am out of hopes of seing you ther, wher onely I can give you best satisfactiion in these grounds you seem to take ill from me ; for elswher and without the assistance of some friends that wee will hardly gett in the countrey, I intend not to indevor itt, least our self eoneeit of our ouen opinions may widen mistakes, whieh you may see by this I am as desirous may be removed as you ; knoueing it is none off our interrests, itt be otherways, by which our enemys may have more advantage ; and that they eontinew fixedly so, the measoutes both of us mett with this session may convinee us, and off the necessity off our being in other tearms then wee ar. For my Lord Anandales eoneerns, I judged them of that consequence with you, that I could never undertake to setle them, when his father and you for so long a time could not do itt ; and now he being 13, I hope you will wave it on year more, and then I shall be as ready as any off his relations to concurr to setle with you, and give yon the thanks your generositie to him, a minor and your kinsman and relation, many ways shail disairve. For Maxwell, you long ago know my thoughts off him. If I see him I intend to speake freely to him ; and for Galloway, iff you be as far disapointed off him as off his relations befor, I am sory for itt ; but ther's little to be trusted to foolles, knaves and beggers. I did not hear anything of your sons go[v]ernour till I reeeived yours. Its strange he flyes for sueh a falt in this age and may be layable to other construc-tions. I write to Glasgow, as you desired, to Mr. John Bannatyn, as your servant will give you an aceount ; but that man reeomended to you to waite on your sons, I can hardly so soon give you an aeeount off him ; and unles they wer in the house with Mr. John Bannatyne his oversight of them signifies litle. For my Lord Anandales pedegoge, I have been at the turning him off for drunkenes, a falt a'most as unpardonable as your sons pedegoges ; yet I have been prevailed with to keep him till the tearm. I intend to be at Edinburgh next weeke to stay a fortnight. If you will reeonsider the reasons for the fitnes of your being ther, you will find befor the session rises, when friends without jealousie will be ther, wher wee may have ooeasion to meet and consider things much more proper then afterwards, unles you do of purpose for that reason shun itt, wherby I shall haue the les opertunetie to give you these evedeneis off my desires to be thought as formerly your most affectionate brother and humble servant.

I have spoken at more length with your servant eoneerning your sons, to comuinicate to you, and shall give direetions for the overseeing them as much as ean be in the place they ar in.

120. Settlement of the affairs of the Estate of Annandale—To have a meeting at Edinburgh before the Duke of Lauderdale came down.

29 May [1677].

Iff any thing worth your knouledge had oeeurred to me in Anandale, you should have heard from me. All I mett with was elamour and noise of tenants pleading to keep down ther rents, and to have settled with them might have kept me ther till now ; so I tooke a short way by

the best advice I could gett, to lett doun rates upon them, and left it to James Carruthers to execute. When they saw me so peremptorie, the most considerable come greater lengthes then I expected ; so you may see how great trust James Carruthers has yett, and I could hear nothing of him that he may not desairve itt ; nor is itt ordinar to make discoveries of servants so long as they ar much trasted. I used Elsheills as you desired, and Hay is very nnjust in what he says of me as those present ean wittnese ; and had it been my ouen bussines, he had got more reason to complean for his peremptorines, which was more then any creditor I ever mett with of my nevoys, as you shall know at meeting. Your relation, Kelhead, fled his houise, and caried his wife with him, which I will not forgett ; Maxuell excused himself by the death of his father. I have not yett had occasion to meet with Anandales governour to gett an account of that letter, but James Carruthers foresuears any accession to itt, but I shall discover all that was in itt. I am glade Dumfries recovers. Till Saturday last I did not hear the certanty of L[auderdale] and his Dutches eomcing doun, which now I can assure you off, but to what end or in what caracter is yett a mistery to me. But that friends should meet and understand other and be on our gard is most necessary, and that wee can out of Edinburgh conveniently and without makeing noise is impossible ; so I intend ther the next weeke, and to write so much to Cochran and Cassillis that wee may meet befor they come and so have time to come out again, iff itt be thought fitt wee disipate befor ther arrivall, for to meet when they ar ther will not be so fitt. Therfor, I beseech you faill not to keep the next weeke, wher you shall find me, and if I find any ground to alter this resolution you shall be timecously advertised. I have heard nothing more of that affair of the Marquis of Douglases, nor is it possible to make conjectures of Hattons interrest or Atholls which shall cary, or the Precedents condition now, till wee see the great man here, whieh will be once in June, and the south apartment in the Abbay, which is that nixt the Chancellor and thought the worst, is preparing for him

121. Not to send his horses to the rendezvous—Queensberry's sons two fine youths—His wife ill of the jaundice.

10 July [c. 1677].

I come from Edinburgh on Thursday, and since parting I heard nothing worth your trouble. I think it is not much materiall whether to send our horses to the randevous or not. I think for the first time not to send mine, beeause it is like I will be absent so makeing use of my horses ; for to oblige me they have apointed the randevous here. Your sons are tuo very fine youths and I hear nothing of them but good. It had been an casie enugh jurney to have gone from this to-morrow, but I wold not contradict your comands. Cassillis come here on Saturday, and went home yeasterday, but I spoke no more to him since parting with you. He seams not resolved to return to Edinburgh ; he left his lady here with my wife, who is very ill of the jandies. I am not easely by insinuations or stories made to distrust my friends, and yon as litle as any ; a little time clears allways these things, so ones actions ought onely to be considered. My ouen resolutions ar what I told you at parting, and the more I think of affaires the more remote one keeps themself from them the better ; so I hope fair pretences shall not cateli me. Mortons geldin I did not like, and now I am provided another way, so does not resolve to send to Malton this year. I never made any such bargan with wrights as you write of ; I agreed allways by days wages or for a peice of work in bulk, so cannot advice you. My

wife returns her humble service to you and both of us to my sister. When any thing of consequence comes to me you shall hear it, as is expected from you, so, adieu.

For the Earle of Quensbery.

122. His wife was recovering—Lauderdale's arrival—the Chancellor (Rothes) was expected next.

21 July [1677].

My wife on Wednesday last gote a great sweet, since which I think she groues dayly better, but contineus very weake and extenuate; yett I hope in God sli shall recover this siknes, which has been a very sore one. She thanks you kindly and my sister for remembiring her, and presents her service to you both, and wishes my sister a happy delivery. I have heard nothing of consequence since L[auderdale] arrived, els you should had one expres with itt. He keeps the Session punctually wher Tueedale and Calanders bussines is now in, and the Chancelors expected next, and its thought all of them will meet with the like faver. I am glade you ar now of the opinione I gave the Chancelor, and I thinke it is much to his advantage he did as he did, the malitious people atrebutts itt to the little desire L[auderdale] has to be in new friendships with him, which I wish he may make a right use of. I find every body in astoneshment what has brought him doun, since nothing ather at Councill or elswher has apeared of consequence, and as litle apearence of desings to setle things in any such fair way as men of honor can accept off; so I think iff ther be no parliament or convention, wee ar very happie to looke on. Argile and Hatton they say are the favorits, tho Atholl is as weell with my lady as formerly, and her pike contineus to Hatton, which is beleived she may fale from. The McLeans bussines they say is submitted to the Precedent and Hatton, for Argile and Atholl, and Sir John Cunningham for them. Tuenty more little stories ther is which is not worth your trouble, but when any thing of consequence comes to me or that I think of any new measors, yow shall know itt as wee lefft att parting, not doubting off the like from you, and that as I burne your letters you do mine. So wishing my sister a happy delivery, I am with great truth as I profes very reall in my friendshipe for you. So adieu.

I had a line from Dumfries wherein he profeses much otherwayes then you write; but whatever is in itt, this is an age I beleive little more then what I see and feu by trinqueting gains att long run. Dounright honesty, tho esteemed foolish in this generation, is still the best, and men will have most satisfaction therein att last. I beseech you remember to cause putt an end to the teinds of Wheitcamp; the longer itt runs on itt will occasion the more trouble to your tenant.

123. Thanks Queensberry for naming his daughter Anna after the Duchess—Lady Rothes' visit—Lauderdale's proceedings.

25th July 1677.

My wife, I thank God, contineus to recover, but very weakly. She is very glade to hear of my sisters safe deliverie, and wishes you both joy of your young daughter, and thanks you for the faver you intend her to call the child after her; and hopes shc may be as well named as any of the Dutches L[auderdales] daughters with les noise, for I doubt not but you will provide the main ingrediant, mony. My Lady Rothes come here last night. She had a letter this night from her lord tells her had he lost (*sic*) his cause yesterday morning. Since it is gone, I wishe it had been so a year ago, and then it is like L[auderdale] had not had so great satisfaction in his traine, for its much doeing things in

time. I think strange Hatton apeared so litle for him ; ether his frendship is not worth the value the Chancelor put on itt, or els he has litle interrest with his brother, which I can hardly beleive. You need not doubt but I am very sencable how nobly the Chanclor caries at this time, and the more to be valued that it is so much contrare to former practise, seaming, resolutions, and advices ; and I hope you are juster to me than to believe me capable to be influenced by any to his prejudice. I pretend without vanetie to judge of my frends by the litle sence I have of ther deportment to me, and not be bayesed by any, and you know allways how much I have been oblidged to my lord Chanclor ; so you need not fear any bodies influence over me on that head. I can give you no particular account of any thing L[auderdale] is doeing, but what is publict. Nothing yett appears as to the other desings ; he minds so closely to attend the Session to oblige his friends, which no doubt he will do to purpose, and I wish that may be all he has to do here, and then wee ar well delivered. I do not intend to Edinburgh or from this in hast, unles it be a day to be absent from the randevous here the 3rd of Agust. I had your letter safe from on of the gentlemen come with my sister. She says litle of her lord or what he does in Edinburgh. I know not nor do I much care. Particular interrest is a generall excus, and must be borne with, tho it is like may not be forgote. My humble service to my sister, and I wish both of you much joy of your young daughter, and on all occasions you shall find me very reall and faithfull to your interrest and familys ; so, adieu.

I have ordered Robert Kennedy to do what he can to provide you with roome for your coach, and acquaint William Douglass with itt, but itt could never been done in a worse time.

124. The Chancellor—offices during the King's pleasure—Duke of Buccleuch at Court—Earl Marshal of England to visit Scotland—Hatton refuses title of Dundee.

22 Agust [c. 1677].

I do as much regraite any ill usage the Chancelor may meet with as any, but if he and other officers of estat that ar now layed aside had apeared in what they saw wrong, neither they nor wee had been at this pass ; and I confes I atrobute much of our misfortuns to there deportment, yett I do not hear the Chancelor is in that hasard you ar informed cf, and iff such a letter should come from his Majestie that all offices of stat should be layed doun and taker dureing pleasur, I thinke before he do it, he has a fair rise to waite on his Majestie and do it personally ; and iff then he will appear to purpose, no doubt but he will gett those that will concurr with him, but longer few will be jugled with half games. Ever since I come from Edinburgh I have been troubled with a hurt in my leg that I could not put on my boot, so that I have not been from this since, and it still contineus ill, so that I can make no apointment with you at present, neither hear I any thing of great moment to need itt. For L[auderdales] threatening language, I do not much value it, being resolved to cary my self as an honest man ; and iff in doeing he fall on me I am satisfied to suffer. For this proclamation againtest phanaticks, I thinke it hardly practicable, considering these people ar more troublesome since nor befor ; however, I resolute to order my deputs to do their indevore. I think Nithsdales way is not worth notice. When he thinks it his interrest, he will act just contrare to what now is his carradge. I have not heard any cartuntie of what is said of the Duke of Buccleuch being at Court, and I beleive their is litle in it worth noticeing ; nor can their be any thing

of the Earl Marishall of Euglands comeing to this kingdome but a vissit to his daughter. When you hear he is come the length of Carlile, I intreat you give me notice, for I have heard nothing of his comeing. I confes I can not understand the intrigue of L[auderdale] carriage betuixt Atholl and Argile and Hatton, for, as you say, Argile seams to have the greatest interrest, and yett Atholl haveing matched his son with the Dutches daughter seams much to ballance the other; and Hattons refuissent to be Earl of Dundee, tho his brother pressed itt, and his cajolling Yeasters children is all mistries which no doubt will clear shortly, and on side will mise their aime. I put no doubt the quarrell was good company, and will cartanely incres prejudice, and our best at present is to looke on and have a care of Michallmasc elections which I thinke all our task att present; and shall be carefully looked, after wheir I haue interrest, so far as is in my pouer, and iff betuixt and then any thing fall out may occasion the fittnes of our meeting, you shall be aduertised as I expect in like. I must tell you it is given out at Edinburgh, that L[auderdale] has sent you a kind comission both by the archbishop of Glasgow and Justice Clerk; but this I did little notice, you haveing said nothing of it, and considered it an artifice to divide friends. Their is no dout of my brother, Dumbartons, embraceing that offer of that gentlmans for raiseing a company, and will give him a comission, but at this time it is to no purpose to write till the campainge be over, and beside I do not incline to medle in these matters. My wife remembers her service to you, and both of us to my sister, and you shall find me very sincerely yours as I profcs. So, adieu.

Your letters I assure you ar burnt as I expect the like. Your old friend the Countes of Eglinton is dead.

125. Heritable Sheriffship—proclamation against Conventicles— Lauderdale and Cassillis.

30 August [c. 1677].

I received last night yours of the 29. I wold be glade to hear what it is the officars of Stat ascriveis ther misfortuns and ours to, since you say it is much contrare to what I do itt. I never remember ther was any courses folloed that was contrare to some of their advices and knowledge. I thinke none that has heritable rights to the shirifships can be put to quite them, unles the King pay them the true value; but I am not in that caice, for mine is but dureing life, and yett I am not resolved to part with itt till I know upon what account; but wee will, I suppose, have time enough to speak of this matter befor it come to the push. Notwithstanding all this nois againtest conventickles and the sever proclamation, yett it is whispered ther is some under-hand treaties betuixt the phanatiks and those in pouer, and how far it will do the nixt Councill day may clear; and that itt will be possible to reclame the people from conventickls or gett them to take this bond I much doubt of itt. Lett us all do what wee can, so what may be the ishew if other measurs be not taken that ar not yett tryed, God he knowes. I think it is very happie for us how much the difference contineus betuixt Hatton and the Duk L[auderdale], and betuixt Argile and Atholl, from whom I did not hear since I saw you, so my correspondance is no more then what you know; and I told you how litle I layed hold what was saied of you. I shall send for James Carruthers and speak to him concerning the elections as you desired, but I do not think itt convenient to write to him of that subject. Cassillis both come and returned this way as he went to Edinburgh; he did not see L[auderdale]. He told me he was pressed to go to Laithington, with

hopes that he should not only be civilly received, but be in a fair way to get his ladys pension again ; yett he withstood the temptation, but I think wold be glade differencis wer over amongst us. For Earle Crafurd, you know what a man he is and his necessities ; iff the Chaneelor interrest with him keepe him not right, I do not expect any others will. As you say I think it very fitt wee mett, and it's like after this Councill day wec may sec more reason for itt ; but the stroak I got on my shine is not yet so well as I dare put on a boot. If I can, I intend to be att Kinneill next weeke, wher it is like I may meet with some that may giue me fuller accounts of matters theu any I know. Iff I find any thing considerable you shall hear itt ; and wher to appoint a meeting with you, I know not ; for the days ar now so short it wold be inconvenient for you to come to Crafurd and return att night, and I cannot accomodate you with lodging. I cannot desire to give you the trouble to come this length, but if you did you should be heartie wellcome, being very really yours ; so adieu. My wife remembers her humble service to yon and both of us to my sister.

126. Sir George Maekenzie appointed Lord Advocate—offices of State to be held during pleasure.

6 September [1677].

I received yours by your footman Teusday morning, and then haveing one att Edinburgh I thought it convenient to delay this till his return, that I might let you know what I heard and be more clear as to our meeting at Edinburgh. All I heard was att Councill was tuo letters from his Majistie, one apointing Sir George McKenzie in respect of his great integrity and abillities his Advoeate dureing pleasure, the other deelaring all offices of State dureing pleasure and that such as had them dureing pleasure, and that such as had them dureing life might subscryve a paper declaring their acquiescence to his Majesties pleasur, which the Chancelor did very frankly ; tho many wished he had delayed itt, and layed hold on the occasion and gone to his Majestie and offered a demission, sinee it is supposed that is the drift of all this ; and it is feared what he has done will not do his turn, whieh I shall be sory for. Ther was not an word eoncerning the phanatiks the first Counsell day, but it's thought some inlargement of the Indulgence is designed. St. Andrews was not their, which I think strange off. I hope iff their be a new Indulgence our bishops prejudice agianst me will lessen for what I sayed to the King of that subjeet, since cartanly itt will be with their good likeing, els they ar not so much oblidged to L[auderdale] as they think. Atholl, Argile and Hatton ar reconeiled, and Argile the great favorite. The marrage of Atholls son is to be presently, tho itt was thought within a day or two befor almost off again, but for any thing I parceave it is a foreed cast on Atholl. I find the ground of that story of L[anderdale] sending a compliment to you was oecasioned upon his saying befor Glasgow and Cragy, that your famelys had allways been in great friendship together, and that he did not know any prejudice or disobligation he had ever given you, but refuissing to procure a patent for your second son to be Earl of Torthorl. You may see the jealusie of this world upon so small an occasion to make stories, and you see how friely I give you an account, being so desirous that no occasion of jealonsie may be betuixt us. I hope their is no fear of Bargany, for I never see a man more discontent than he was when he came from Edinburgh. I beleive he is in Irland befor this, for I have not heard any thing of Earle Mountalexanders being in Scotland, or off their being at Cassilis. I intend (and pleas God) to be att Kinneill on Monday next, and iff L[auderdale] be out off Edinburgh, I

shall meet you their on Wednesday, els it is inconvenient wee meet their, and I am not of the opinion you will prevall with the Chancellor to st[a]y for us. I intend to say nothing to any of our meeting att Edinburgh, that itt may appear as you say to be accidentall, and att present most wee have to consider is the Miehalmase eleetions. I hope that report of my brother, Dumbartons, being wounded is false, els it is like Rosline wold have heard of itt, who hears sometimes from some of the officars of that regement, but my brother is so kinde to me that they have write none to me this sumer. My wife desires to know how my sister is recovred and how her god-daughter is, and remembers her servie to you all, so does he who is really yours; adieu.

127. Meeting at Kinnell with Perth, Callander, and Kineardine—the elections—Glendoig made Clerk Register.

20 September [c. 1677].

As I promised I shall give you an account of all I heard at Kinneill, when I mett with the Earles of Pearth, Calander, and Kincairnc. I found Pearth had been mightely courted and great friendship promised him, but all did not prevail to make him echange his former principles or friends. I assure you he is a man of much worth and vertue. I did what I could concerning the elections of Stirling shire and Lithgow: for the last, their is no fear of itt, and I hope the other shall be better then last year; for this shire, Renfrew, and Dumbarton, I am docing what I can that ther be no hasard in them, and I doubt not but friends in the west will secur Aire, so must lay to your part Dumfries and Galloway. I have not seen James Carruthers yett, but I shall instruct him as you desired. The Bishop of Edinburgh came to me att Kinneill; he wold gladly been at makeing overtures for removeing differincis betuixt L[auderdale] and me, but they wer not such as I could lay hold on for myself or friends, and I think any that trusts to that way will meet with disappointments; for I find many of those of his partie begins to be disgusted; and for the affair off the Indulgence, he keeps them all strangers to itt, and they dare not ask questions. I believe the archbishops ar ill pleased with him, iff they knew how to helpe itt. Atholl is now mightely exalted upon getteing Sir William Sherp out of the collection of the exise, and Baillie Baird and his partners has taken itt at a half les then Sir William had it, and they have a promise of a letter to take of their incapacity. This was so closely caried that Hatton knew nothing of itt till itt was proposed in Exchequer by Atholl, and caried, notwithstanding of all the oposition he could make. They say Sir William is to lose the signet also, itt being farmed with L[auderdales] private estat. They ar in some disorders amongst themselvs as you may perceave by this; what it will come to, time must show. As I write to you in my last I shall meet you on advertisement att Lanerke, for I can not att this time come the length of Crafurd, wher wee shall have more occasion to speake of matters then it is possible to write and shall be glade to understand the meaning of your last; for you shall never have ground to beleive me other then what I have allways professed to you; so, adieu.

Glendoig is Clerk Register, but must count for the profeits to the Duk L[auderdale], and gits a pension for his pains.

For the Earle of Quensbery.

128. Sir John Harper—Scuffle at a Conventicle—noise of an Indulgence—the bishops lose their good opinion of Lauderdale.

6 October [c. 1677].

I received yours by Samuell Menzies and another this day from a bearer I know not, so can hardly write so friely as otherways I might.

I am of your opinion as to Earl Nithsdale. Iff Sir John Harper be to gett any of the vaccances of the Session, he keeps it up from me, for I hear nothing of itt. There was litle ground for what was talked of a scuffle betwixt the soldiers and some countrie men att a conventickle, for there was onely thrie soldiers that wer beaten and disarmed, who had gone from the rest of there partie and wer very rnd. The Master of Atholl is well again and att Edinburgh. The Counsell sits againe on Teusday nixt. The late noise off an Indulgence is as much denied as is the authors of the remonstrance; yett they say the Counsell is resolveing in more moderat ways in putting the launes in execution then formerly, and in order to that 40 horse as [ar] aded to the gards: but these misteries of stat I understand not, being out off the road off these things. The bishops good opinion for L[auderdale] decays, and increses mightely for the Chancelor, for he apears a great enemy for any faver to the phanatiks; itt easely apears that they ar all in great devissions amongst them selves, so what will be the isseu time must discover; and befor wee meet its like wee may discoyer more nor now wee see. So what time you apoint at Lanark, give me notice (with your sons who shall be wellcome to me) and I shall punctnally keep itt, and on all occasions give you just ground to bclieve that I have euer been faithfull and just to you as I proffessed; so with my wifes humble service to you and both of us to my sister, adieu.

For the Earle of Quensbery.

129. The Chancellor not well used by Hatton—Elections for Angus and Mearns.

11 October [c. 1677].

I had just such a letter from Bromhall as yours, except as to the stories he tells you of Hatton, by which it seams the Chancellor is not well used by Hatton, and I wish he wold think so in time. To give advices you know I have been frie enugh, and how litle they wer followed, yett when my Lord Chancellor desires my thoughts in any thing they shall not be wanting, if that can serve him. I am told he expects you this weeke at Edinburgh, so its like you will be ther, bnt I can not so soon, so our bussines must delay a litle. I have sent you a letter I had from Mr. Forbes that is with my son in France, by which you will see an account of affares ther. I find some thinks the appearing breach that is like to be with France but a trick, however, a litle time will clear it; what comes to my hand you shall be acquainted with it as I expect from you; and if you go to Edinburgh, or if this find you there, I shall expect you lett me know what pases ther, and the Chancellors thoughts of affares. Boniemoon has been with me these two days. The election in Angus is Egell and Inerwharity. Pittarro has got himself one in the Mearns. Stirlingshire has double elections, Ava and Polmais, and Keir and Touch; ther last tuo will lose it, if it be judged in Parliament according to law, for they have many voices that was not capable to choice. This is all the account I can yet give you; so, adieu.

I can not give you an account what my son, William, gives his regent, but I shall write to his governour to lett your sons governour know it. For the furnishing of his chamber with coall, they were our servants that the children are boarded with, so does not follow the exact rulles as if they wer with a stranger. My eldest son I remember gave his regent 30 doll.

For your self.

130. No new Indulgence to be granted—Broomhall to be dispatched to London—to meet at Lanark next Thursday.

12 October [c. 1677].

I hear of litle of consequence past last Counsell day, only D. L. and the Preecedent tooke a new occasion to vindicate them selves of any intention of granting an Indulgence, or that they did by them selves or others ever treat in any such thing, and with deep aseveration they did affect this. I confes it is a strange confidence to men to act at this rate, and to thinke to cheat and befooll every body; but it is no more nor what I understood of them befor, so it is no surprise to me, for I have seen that way the constant practise off all that partie, and I assure you Hatton is as metled this way as any off them. I am very glade that it is not in L[auderdale] power to medle with the Chancelor, and I wish he may fixe his interrests with such as former principles and friends be not deserted. However I think iff right mannaged, ther is a fair oportunetie to try what can be done against L[auderdale], for I suppose the bishops will not befriend him so much as formerly, els they ar strange kind of men. I had a letter last night from Sir George Lockhart, wherin he is very earnist for the speedy dispatch of Bromhall to London, as it seams he has wrote to you. But he presses itt the more that he be presently dispatched because of my Lady Kincairns goeing up the begining of the nixt weeke, with whom he may go with least suspition, fearing iff he go by himself L[auderdale] might fancie his errand, and gett the King to send him bake, but goeing with her as a friend cannot give jealusie. I find one hunder pound sterlinc is presently desired and another afterwards. I do thinke him indeed a very fitt parson, and I thinke itt very necessare his goeing and resolves to send my 25 lb. on Monday; and it is expected you do the like, and write to Sir George, who will lett itt be knouen to those you send how itt shall be delivered. I have also advertised Cassillis and Cochran, and the soum being so inconsiderable the feuer is acquanted with itt the better; and no doubt itt will be off great advantage wee understand how affares goes above att this juncture. It is not beleived L[auderdale] will go soon up, the Precedent being gone west and not to return till November. I am told Sir James Stainfeild is become a prosilite to him, which I thought fitt to acquaint you with that you may be on your gard, supposeing you may have some dealing with him. I do not hear anything of what you write concerning any intention of more troops, nor have any thing els at present worth your trouble. I shall be ready to give your sons the best advice I can, and shall have an eye over them, tho I think ther is litle need, they being hopefull and well inclined youtches, and I hope you shall be very happie in them. I shall not fail to meet you at Lanark on Thursday next. I wold have you come somwhat early that wee may resolve whether to stay in the town or go to some friends house aboutt, iff you ar not to be persuaded to come this length, wheir I can promis you nothing but hearty welcome, and the continuance of the faithfull respects I have allways liad for you: so, adieu.

My wife remembers her humble service to yow, and both of us to my sister.

131. Tarbet trinketing—his opinion of Sir Andrew Ramsay—was not inclined to go to London.

[c. October 1677.]

I heard Tarbet was trinketing, but did not absolutly beleive it, till what you tell me. I hope at long run he and all that followes these

measures shall have ther reward, houever unhappy honest men may be at present. I confes I can hardly have a good opinion of Sir Andrew Ramsay, after what I have seen of him, and how much he has ingratiate with L[auderdale], even since the professions you have heard him make ; and that he seams otherwayes now is because he has not come speed in his courtships, as he hoped for. Yet as you say, the best use that can be is to be made of him, tho he is no farther to be trusted than it is his interest, and men, that prefers that above every thing els, as he does, may mis ther marke sometimes; and I thinkie lie is a nive example how insecurr those ar that trusts to L[auderdales] friendship. If ther was any whispering of my goeing to Laudor [London ?], I beleive it proceeded from you, for I have not any such thoughts; but I heard that you wished I wold undertake the journey, when some wer of opinion that it wer very adviseable that some or other of us wer ther. I shall only say, that as I think I have indevored as much as another in this publict affare wee are ingadged in, so I shall be ready to concurr with others, but I do not love to be made a pack horss ; and I am resolved to be very assured of the resolutions of friends hereafter befor I be determined as to any publct concern. I have mett with so many alterations and some disapointments, and that whiche you now tell me, tbat many friends you mett with at Edinburgh wer against elections at Michalmas wher shires wer nct in use, seams very od to me ; for all I mett with then, except Gosfoord, was very much of a contrare judgment ; and any that I yet corropond with seams not to have observed but that it's onely those who may be elected that has places, that ar againtest it, for loosing ther places, and that yon wer againtest it, had altered resolutions. Its like you may be right, but I wish wee be not to much put to an aftergame by it, for if a parliament should be called, it will be an easier task for them to make elections then to have observed those that had been made ; and if giveing way and being altogether remise be an aduantage, time will show. As for the election of Gallaway, you know I have no interest ther but by Bargany. When he came from Edinburgh I intreated him to do what he could in it, and I have write to him againe to Irland about it, that tho he be a new married man, which I suppose he will be very quickly to my Lady Clanbrassell, yet that he may come over ther about that time to looke to it, but if you take a litle pains in it with your brother in law, and get the Chancellor to secur Balduin, or that he lay by, I am told the Preecedent may meet with a disapointment ; and tho we be shy in elections, yet you may see by this if they ean cary eleetions to ther minde, they will indevor it. But I shall say no more of this, being resolved to follow the resolutions taken, and that I have never failed in my professions to you, but on all oceasions has indevored to serve you faithfully, whatever you may otherways think or do in return thereof ; so, adien.

Your letters shall be burnt, as you desire, and I assure you they shall not be made ill use of by me.

For the Earle of Quensbery.

132. Bargany not in Galloway at the eleetions—meeting with Queensberry and the Chancellor.

20 October [c. 1677].

I was as ill satisfied with Barganys not being in Galloway at the election as you can be, tho all his friends I hear was right ther, and my Lord Galloways friends wrong, which I. was much surprised at, supposing you had secured them : but ther is no help for what is past, and you say true wee act like mad men, and at this raite must ruein our-

selves, and I wish wec wold consider it in time ; and I shall when the Chancelor and you thinks fitt, waite on you. I hear he is not so apprehensive of himself as formerly. I wish his confidence may be on good grounds, but you will know this from himself, and I wish you may go to him as he desires. I find by what you write you have heard all I can tell you ; so I have little more to say at present, but to assure you that you have very good ground to believe that I have ever been and am very just in my professions to you ; and when you examine my actions more narrouly, you will find you never had ground to think otherways : so, adieu.

Lieutenant General Drumond is here with me. He tells me Kincairn is expected dayly. When I have any thing of consequence you shall have it. I intend next weeke to send my ditcher to your countrey to look for thorns. I desire the faver of letting him try in your woods for them.

133. Earl of Eglinton with him last night—building at Kinneill.

24 October [c. 1677?].

I am very glade to hear the Chancelor is so fixed and I wish the contineuance off it, and am of your judgement both as to our meeting at Edinburgh and about the sending up, since the last opportunety is lost. I have not heard from Edinburgh since I saw you, haveing a servant now there. Earl of Eglinton was with me last night, but I could learn nothing from him worth your trouble. Dumfermline is dead and Atholl and his famely gone home as he says. Sunday last was an ill day here, so wee heard litle of conventickles here abouts. I believe you geuse Earl Nithsdale's bussines, which I thinke scarce worth much pains the trying after itt. I can not till I be att Kinneill give you the account of the agriement I made for the last peice of building there, which you shall have, tho I beleive it will be no reull to you. My wife remembers her humble service to you and both of us to my sister, and I am with all sincerity yours ; so, adieu.

134. Dragoons marched from Glasgow to Stirling—apprehensions of Highlanders.

27 October [c. 1677].

The inclosed is a copy off a letter I had this night from a friend that lives near Stirline, whom you saw with me, by which you will perceave what was Nithsdale's great hast and errand to Edinburgh ; and I hope (that I have heard nothing off that nature from you) that he is as great a lyer as a fool, for I hear nothing in this countrey tending to such disorders ; yett itt seams our statsmen has the allarum so hott that the horse and foot ar all marched from Glasgow yesterday towards Stirline to the great surprise of the Archbishop, as he pretends, and there is no small fear amongst the people for haveing Highlanders comeing doun amongst them. For my part, I thinke itt a device to engadge the people to disorders, but I hope they will be wiser. I thought fitt to lett you know what I hear, tho really I do not know what to advise. I thinke wec wer happie iff wee wer in England, till wee see what setlment our statsmen makes in this countrey ; for I conelude itt difcicult iff not impossible so to cary here as to be without a snare till these concustions be over. I have thought off goeing to Kinneill the next weeke, so hast bake the bearer with your thoughts, and I thinke you should acquaint the Chancelor with these things and aske his advice, for I dout not but he will be in Edinburgh next weeke ; and my writer, James Johnston, will lett any you send know iff I be att Kinneill ; and what you may

have occasion to send here, iff I be not att home, my wife will send it safe, so I shall expcct to hear frequently from you iff any thing occurs off consequence to you, as you shall from me. Our interrest and relation tys us to looke [to] our selves more nearly then others, and it's like we will not willingly give up our interrests to Highlanders; so without further ceremony, adieu.

135. False alarm at Edinburgh—the Council order a levy of Highlanders against the West.

Coppy of L. G. a letter to D. H. mentioned in this. [c. 27 October 1677.]

Ther wes a greatt allarom att Edinburgh that the West wes aboutt ryng in arms. The bishops bleu the coill, and Earl Niths[dale] wes cheaff informer, for he said ther wer conventickels keapt consisting off over 3,000, wheroff 1,000 als weall mounted and armd as any in the nation to his ccrten knouledg. Some others told that some gentelmens houses wer provyded with arms far abov the condition off pryvett famelcis; that in some wer 20 pair off pistols, 20 carbyns, besyd musquetts and fyerlocks. Bott the principall poynt wes moir considerale, which is, that within this year or therby 7,000 horses ar transported from Irland: hitherto non can geit account off them bott that they ar in the hands off disaffected persons in the western and suthern shyrs. Heirupon the Councell resolit that the 3 cassells bee weell looked too, and provyded off all neccisors for ther seceurety, that all Guards, hors and foott bee sett att Stirling, that 2,000 arms, 9 piecc of canon for the field and plenty off amonition bee careid from Edinburgh to Stirling cassell. The Dutch pyneir wes ordorit to attend E. Mar, and to appoyn what wes needfull for the forther strenthening that place. All that accordingly wes doon, and the wholl nobility who hav any interest in the Hylands, as Huntly, Atholl, Argyll, Marshall, Moray, Mar, Kintoir, Caithnes &c ar ordered instantly to hav all the Hylanders in reddines upon a call to march to Stirling, wher they shall receiv arms and ammunition for all that went; and itt appears ther ar non invyted hether, militia or Lolanders, bott Hylanders only, McDonalds, McCleans, McGregors, McEntoshes, McClouds, McForbeses, McCouls, &c. the rest of that sort. Earl Pearth gaitt a perteiconler letter from the Councell to hav his Hyland men in reddines, the postscrip wes with D[uke] L[auderdales] oun hand, that his men shood bee furnisht att Stirling. This day Earl Morray rendeuous his att Doun. Atholl, Marshall, Mar and all the rest hasted north for the same countrie. Itt wes talkt in plain tearms, that iff the Hyland men wer forst to march to the west to suppress a rebelleion off the Uigs, they shood not only hav frie quarter bott liberty off plundering, and, iff they pleased, to settell themselves ther as a new plantation and posses the country for a reuard. The Councell hav also ordained that in caicc ther bee one suspeition, then a proclamation shall bee published requyr all fensible men off whatsomever qualety in ther best appoynment to repeir to Stirling within a certan tym under pain off forfating off lyff and fortoun.

For the Earle of Quensberry.

136. To go to Kinneill next week—Chancellor's daughter ill at Tyningham—Prince of Orange's marriage—a meeting at Edinburgh.

10th November 1677.

I delayed my gocing to Kinneill upon the account of what you write formerly off the fitnes off our meeting att Edinburgh, which I find also the opinion off those friends there who was for Broomehalls journey, and

that they do not take itt well it was not more frankly agreed to ; so I intend to Kinneill the nixt weeke, and be in Edinburgh on Saturday or Monday after, wher I shall expect you without fail for I intend my stay therc a[s] short while as I can. I have sent you a copy off the letter from the councill to be comuniuate to the gentlemen off the shire of Aire and Renfrew conveened at Irwin, and a copy off what I heard was there answer, att which there is great offence ; but what the counsell did last Thursday on it I have not heard. The Chaneellor was returned from Tiningham haveing been with his daughter, who was in a dangerous condition, and yett not out of hazard, after being broght to bed off a son that lived but few hours. I heard nothing relating to the Prinee of Orange marriage but what was publict. Ther was not such rejoicing att London as was for itt since the Kings restauration, and onely the Papests, they say, not pleased with itt, as I believ is our great statsmen here are, for all the apearanee of joy they made for itt. But how far itt will influence affairs will hardly yett appear, eonsidering the new ajurnment is given the parliament of England ; yett I thinke it is high time wee should consider what wee can do for ourselues, both on that junctur as well as in others whieh cartanely will occur to us againe wee meet ; so I pray you faill not to be in Edinburgh, Teusday come eight days, att furthest. I hear Southesk will be there, and so is Kincairn, and I shall advertise Coehran, and I know few others wee need but those will be on the plae. Glasgow has had so great a lose by the fire, not only of there houses but goods, that it's thought itt will not be able to recover itt in our agc. I haue sent you a draught off the Touer of Kinneill with the two new pavillions I have builded to itt, and ther is a scale will lett you know the measures. That with tuo staires was dearer than the other, being 1,000 merks Scots for the workmanship of the ston worke onely. The partieulare agreement I could not send you, itt being att Kinneill, but itt can be little rcull to you. Iff you will bring with you a draught of what you intend to build, with the measures and proportions off itt, will be the best way how to advise you in itt. My shiriffe deput says you must bring these prisoners to Lanark, and deliver them att the tolbuith there, whieh is the coustoume ; for wee must carry them to the tolbuith of Edinburgh, for it is not the way to receive them at the borders off the shire, but at the prisson house of the heid brugh. So on Teusday next or Teusday eome eight days, Carfin shall waite at Lanark, and cause recieue them ; and iff you think fitt to alter these days, lett your deput advertise him and he shall attend. Till meeting I shall ad no more but my wifes humble servicc to you, and both of us to my sister, and that I am really yours—adieu.

You need not doubt of L[auderdale's] styng all winter, but for what end time must discover. They eary fair with Atholl still, and Earle Murrays son is to have that daughter, and himself to get the Chancellors place iff it be in there power, but is keepeed seereet ; I do not hear it confirmed. The patent of Earle of Monteath to the Preccdent.

137. Cochran's abrupt departure — His brother Dumbarton at London—the shire quite peaceable.

31st December 1677.

I received yours of the 28 by the bearer, and can give you no other account of Cochrans abrupt parting nor I did when I saw you, not haveing haerd from him since. At first I thinke suffient to coneurre in Mr. W. P. despatch, and after to consider of his pension. I have not heard any thing of consequence from Edinburgh sinee parting, but that my brother Dumbarton and his lieutenant colonel was att London, and that recruits was refused him ; so he had countermanded his officars

from comeing home, and was himself quieky to return to Franee. Things in this shire are as has been severall years past, and all very peacable and quiet, and searee is it possible to persuade people off the sever things that is said to be intended against them. I allways thought Broughton and such as he that loves to fish in drumly waters magnified the noise off disorders, and such are not to be countinanced unles some thing extraordinar fall out. I do not intend to be in Edinburgh till the midle of February, and then I shall be prepared to traite with you in that difference betwixt you and Anandale, and shall have there the papers and parsons as you desire. My wife returns you her humble service and both off us to my sister, and is glade to hear your daughters reeovered, and wishes you all a good New Year; so, adieu.

For the Earle of Quensbery.

138. Required to attend the Councel at Glasgow -- proelamation against leaving the Kingdom.

Hamilton, 9 January [1678].

Haveing my chamberlane of Crafurd here I have apointed him to send ane expres with this to you, tho I have litle to say of consequence, but to lett you know I had a letter from the Couneill signed by the Duke of Lauderdale in their name requiring my attending their Comitty the 26 instant att Glasgow. I confes I thinke itt of that eoneernment, that iff I get my self frie of a litle fitt of the seatike I now have, I have thoughts befor that to go to Edinburgh that I may both understand what is there to be done, and advise with friends how to eary. If you have got such a letter I dout not but you will find this your eoneern also, for it is hard to take measures att distanee; and I find euen friends are shy to write friely in these things. I doubt not but you have seen the proclamation discharging all noblemen and heritors to departe the kingdome without leave: what your thoughts and resolutions arc I expeet. Not haveing any thing els of consequence to imparte, so with the former kindnes, adieu.

I heard this night from Glasgow that your eldest son these two days past had been a little ill of a cold.

For the Earle of Quensbery.

139. A fit of the "seatiek" — could not be at the meeting of friends in Edinburgh.

14 January [16]78.

Last night the fitt of the seatiek came so violently on me, that I am forced to make vse of my wifes hand, not beein able to writ myselfe. I thought my ehalmerland as sure a bearer as any I could send, having given him striet direetions to send my last safe to you. I have the same thoughts and apprehensions of afaires that yours mentions, and did before I received yours wrt to Coheran of the fettnes of our meting att Edinburgh, whieh I thinke most fett you resolute to doe, that you may haue the full and free advises of frinds how to carry. And since itt has plessed God that I am not able to be with you, I shall haue on to attend there for receueing your thoughts after you haue spoke with frinds, that we may take jopty mesures in the maner of our goeing to Glasgow, and our deportment thare, hopeing by that time I may be able to uenture so farr in my coche; and fearing to wearie my secretar to much, haueing kept her wakeing with my indisposition last night, I ad no more. But to suply itt, I haue sent you the copie of 3 papers to peruse, and both of us presents our affectionate and humble serues to my sister and you, not forgetting your littell.daughter, adieu.

16.—About 11 forenone, your seruant returned from Glasgow and gott this; my seatick still continues.

For your selfe.

140. Expected Cassillis and Callander to go to Glasgow—design of forces called together at Glasgow.

18 January [16]78.

I am not yet able to return an answre with my owne hand, so you must excuse if this be not so full, and itt becom latt to make hast to dispatch your man. I expect Cassells and Callander heere to goe to Glasgow, they haueing gotten letters to the same purpose which I think is not fett to shun. So if itt plese God, I be able, I resolute to goe down on Friday; for itt is not posseable to goe and returne in a day without geueing offence. I intend few more with me then my owne saruants. I heare of no more of these ouertures that was made to my Lord Cocheran, and I am apt to be of your judgment that the calling of these forces together to Glasgow is more for perticular prejudices to sume of us, or upon sume designes we understand not, then for what is pretended. Sir John Cocheran was heere last night and he tells me the West Cuntrie gentellmen gott nothing done; all resolues to suffer patiently the worst. I send you the eopie of a leter from a friend att Edinburgh, which will giue you an account of all I shall troble you with till metting, which I shall expect on Thursday. So ads no further but a kind and hartie adieu.

For the Earle of Qwensbery.

141. The Earl of Perth's visit—meeting of gentlemen of Lanarkshire—only two would take the Bond—Highlanders quartered on heritors.

2 February [c. 1678]?

Earl Pearnth was here with me, but there passed nothing of consequence more then you know. I indevored by him to securr the corrosspondence with the other person in the tearms you did advise me. Yeasterday the gentlemen of our shire mett prety frequently, and onely Hags and Walstain tooke the bond. The rest desired to eonsider it till this day, and then they did not meet so fully, and yett no more wold take it but desired a new delay till Teusday; wherupon I tooke instruments of my dilligence in offering it, so wee parted. All I can give you more an aecount off is the sad and greivous complaints off those that has the Hielanders quartered on them. I can not in this lett you know iff I shall be able to prosecut the journey intended when wee parted, but iff I do you shall be advertised of itt. All I shall ad is the more unanimous things is done amongst friends it will be the way to unite us the better, and prove greatest advantage to all ends—so without further ceremony, adieu.

I shall expect to hear what passes amongst you.

For the Earle of Quensbery.

142. Earl of Carnwath had taken the Bond—many had refused it—would not trouble any friend to keep his arms.

8 February [c. 1678]?

All the account I can ad to my last of what has been done in this shire is that the Earl of Carnwath and some few gentlmen and pittic feuers has taken the Bond since, and many of the burgeses of Glasgow; but I hope the refusing of itt will be made no test of loyalty, for I am sure there is that has refusised it, has and will be as ready to venter their lives and fortuns in the King's service and mentinance of the laws

as any that has taken itt. And tho all have not the like friedom to take bonds they thinke not warranted by law, tho by itt they might save them selfs and interrest from present trouble; yett in chirritie I hope they may expect not to be so severly dealt with, as it seams your gentlmen warrands you to offer to the councill, for securring the refuissers, which I thinke no good preprative and I beleive is more nor was desired from you. If I be not able to presairue my arms my self, I do not resolve to trouble any friend to keep them for me. However, I thanke you kindly for the offer, and shall waite on you att Edinburgh as soon as I am able; but att present can not determine the day; but thinks it very convenient you hast there, supposeing at this juncture you may be able both to right your sclf and help your friends. I shall give the advertisement you desire, and contineu fixt to the principles and friendships I have allways professed to you; so, adieu.

143. Mistake in what Sir David Carmichael told him—reply to Queensberry's offer to keep his arms.

[c. February 1678]?

I will not giue you the trouble to ansuer particularly yours; time will cleare all things. You are much mistaken in what you say Sir David Carmichell and I told you, for I assure you that you will find our great scruple lay not in what you mention. One step in these things does clearly draw on another. You are likeways much mistaken that I tooke ill your offer to presairue my arms. I thinke I thanked you for itt, and that I told you that iff I could not be as frie to presairue them as any other subject in the kingdome, I thinke was no cause of mistake. I shall allways be much satisfied how much your enemys are disapointed, and I am very apt to believe it was so by your report, but all our reports was sent to Edinburgh as well as yours; and I thinke I haue reason to belieue thaire malice is as much againtest others as againtest you, and our interrests are considerable to us as others are to them; but I haue gone further on the subiect then I intended, so will stop till meeting. Albeit I be not yett very strong I intend to Kinneil next weeke, and from that to Edinburgh if I be able; and on all occasions you shall never have reasan to complean ather of the uneasines or unfixednes of my friendshipe, which few hitherto has had occasion to do, whatever be my other faults; so, adieu.

144. Asks him to haste up to London—Bishop Paterson of Galloway.

Penrith, 28 March [c. 1678].

I have received two of yours one by Jeriswood and the other by the expres I sent from Crafurd. I am still of the opinion I was off in earnestly desiring you to hast up, whereby you will not onely do service both to your King and cuntrey, but a great dale of right to yourself and put kindnes upon your friends, which cartanely will remove all jealousies and mistakes; and you can be in no greater hasard then others of your friends with whom you have been all alongst engadged in the late publict transactions. For what you say B[ishop] P[aterson] of Galloway told you, my actions I hope you will beleive better then what he says of me. Till I be at London I can not giue you an adres to write to me, but you may find severall merchants in Edinburgh under whoes cover you may write safly. I have brunet your letters as you desire and has no more to ad, but that it shall be your falt and not mine, iff I be not as really and faithfully your servant as ever; so adieu.

You may send your letters to my wife, for you may remember except with my wife I told you I wold corespond with none by the post but by expreses.

For the Earle of Quensbery.

145. Removing the forces that were on free quarter—not admitted to kiss the king's hand &c. 15 May—Complaints required to be given in writ.

May 9. [1678].

Yours by Sir G[eorge] L[ockhart] and Kin[cairn] I received. The accounts I can give you of our affaires here are not much more then what you may perceave by the removeing of the forces that wer on frie quarter and the present stop of these things was pressed on us, and that His Majestic has called up some of the counsellors, but till they come no further proceedor is in our affaires; nor are any of us that are plentifes to be admitted to kis his Majesties hand till then, least it may discurrage the Counsellors and seam in so far to condem them unheard. Tho this be hard measure, yett wee cheerfully submite to itt. I marvell how you can expect I should aske leave of the King for you to come up, since the doeing so wer to condem many that have done otherways. It wer more generous to do as your friends has done, but I will pres itt no more since I find you continew so positively resolved on the contrare. It was scarcee worth your pains of wishing joy to my friendshipe with Kelhead at this distance, but I do not repent me to be civill to any that is so to me; and if he find it his interest, no doubt his professions will be reall, and more I do not expect. It was an advantage to you that I did not acquaint you with my corospondance by Carlile since it is discovered; but why you need say any thing in vindication I do not understand, for sure I should never suspected any thing that is so mean from you; but I hope any discoveries they may make that way will nether advantage them much nor prejudge me. I am sory yours or my nevoy Anandales men should come to opresso me or any of my friends, but I know wher to lay it; and I hope never to live to be so unhappy as any particulare interrest of mine should rander me in a condition to opres my neighbours and friends or be assisting it itt; but I hope to live to wether all these misfortunes. I hear of your being to be att Edinburgh, and I wish with all my soull you and your friends their may take right measures. Those of late has been taken I am sure has been highly prejudiciale to those that may justly pretend to be your friends, and perchance at long run may be found to be so to your selues. There is an expres sent doun with this who can tell all particulare stories, so I shall not need to trouble you with them, and shall onely ad that in my friendshipe for you, I have never come short in sutable returns to what I have mett with. But I will leave all reakinings till meetcng, and wish you may prefer mor the publict interrest to your ouen particulare one; and then I am sure you shall neuer haue reason but to beleive me as I have all ways professed to you; so I beg of you lay aside all different methods and ways, and unite close with your friends and do some thing that it may appear so to the world, wherin as you will do the best service yow can to the King and the cuntrie, so it will remove all mistakes, which I am sure I wish heartely, being very desirous to continew in the reall friendship our relation and interrest tyes us to, which I shall never fail on my part; so, adieu.

My humble service to my sister.

15 May.

This expres should have come long agoe by this bearer, Mr. Bannerman, who is instructed to give you full accounts of all that has past sinee wee come here; and you need not thinke it strange, if I must contradict some things I have write in the begining of my letter, for measures does change herc almost every day. Now the King is resolved as wee are told not to call up any counsellors till our complaints wer given in write and subseryued. Our advoeats thought that of dangerous consequence, unles the desires of this paper herewith sent wer granted, which is a copy of what was given in to the King. The ansuer is that the first artickle as to the advocats should be granted; but as to the 2d he wold judge what was law by the advise of his judicatores there, but wold not grant a parliamint, which wee thinkc is to make our parties our judges; so wee thinkc it not safe to give in subseryved complaints untill wee hear the advice of friends, seeing all the question seams now to be whither these late proceedings of the Councell and there Comitties be conform to law or not, since its now possitively averred all has been done conform to law, and the matters of fact not denyed, as was at first. This is of so great a consequence to our liberties and properties, that wee judge it of dangerous consequence that the determination therof should be to any but his Majestie with advise of his parliament; and I doubt not but you will consider it of that importance as to be worth your pains to go to Edinburgh, iff this find you not there, and seriously advise with friends what is now fitt to be done; and last ether the bearer or some other fitt parson bake here to us with your thoughts and advice; and I could wish yow wold yet come yourself, which wold be of great advantage many ways, and oblige and take off all mistakes amongst friends. What has been the publlet votes and adreses here by the parliament, I shall not trouble you with them because it is like you will have them befor this; and whither this ten days prorogation of the parliament will take them off from being so ill natured to the ministers and particularly to our great man, time must disover, as it must whithir wee shall have peace or war, for none yet can give a judgement in these things. So you may see the French King has a fine time of itt, who is now with a great army lying betwixt Ghent and Bridges, expecting the Hollanders' ansuer whither they will accept of the project of peace he has made to them, and they have now but thrie days to do it in, and no armie able to opose his; so Flanders is thought lost. But I shall say no more of these unpleasant matters; so hارتely, adieu.

My humble service to my Lord Chancellor. What I write to yow I desire yow may communicate to him, so will not give him the trouble.

146. Representation by Scottish nobles to King Charles II. against the government of the Duke of Lauderdale.—To have a care of elections.

May the 28th [1678].

Since I write to you by Mr. Bannerman all I can tell you more is that these foure of us, that were befor admited befor the Cabinet Counsell, was on Saturday admited befor his Majestie, there being present the Duke, the Duke of Monmouth and the Treasurer. Wee had a full hearing and represented all our complaints to him and did very easely answer these arguments had been suggested in diffence of what was done by the Counsell. But when nothing could be further sayed to justifie these aetings wee were pressed to give it in write by way of complaint and subseryue it. This wee told wee well understood to be but a snare, and that his Majestie did now well enugh understand the whole affair, which was our only earand to him and to beg his

protection, that wee might have liberty to posses our own conform to the laws, and beseeched his Majestie to take it to his serious consideration and allow us to kis his hand that wer come here, and have acces to him as his other subjects, and all his answer was he wold consider on it ; but the particulares of this conference the bearer hereof, my nevoy, Carmichaell, can give you a more full account. I dout not befor this reach you but that you will have notice of a Convention of Estates that is to be called. I confes my deficulties are great how to come doun as I am now stated, and considering the season of the year, which calls me to go to the Bath for my health. I have write to my wife to advise with you and other friends what is fitt to be done, and what you advise me I will follow it be the hasard what it will, ether as to my health or other things ; but I hope friends will be juster then thinke to expose me in any thing they will not advemtur on themselfes ; and what is your advice must be quickly sent, that I may have time to be there after it comes to me, if you advise my comeing doun. I pray you haue a care of elections. I have write to my wife to appoint James Carruthers to be carefull as to right parsons for the little broughs in Anandale, by your advice. So with my most humble service to my sister, I assure you I am very really your most affectionat brother and humble servant.

For the Earle of Quensberry.

147. [The Duchess of Hamilton to the Earl of Queensberry.]

Report of the Duke's meeting with the Duke of York and the Treasurer of England.—Was to go to Edinburgh.

. 18 June [16]78.

This day I gott a letter from my Lord, daited the 13, which day he touk jorney with Earle Perth and Sir John Cocheran. He thinks to be att Edinburgh on Saterday, and desiers to mectt with you, and that I should lett you knou so much. He has had severell mettiugs with the Duke of Yoark and the Tresurer and much faierer wether then formerly but the Archbishop of Glasgow and Earle Morray undertakes so highly that Duke L[auderdale] shall cary what the King plesses in this convention makes what he has said leseneed to then other ways itt would have ben ; and my lord is confident, if freends aet therec part att this convention, our bussines will be done and those ruined that other ways will ruin us and enslaue the natione. His not haueing a chiper is the reason he writts not to you, for these things to writt in plain writt weare not att this time convenient ; and I hope youre metting shortly shall suply all that has ben wanting this way. I intend to goe to Edinburgh to morow and meanes to send a led horse to James Cruthers, that so my lord may come ether way ; friends at Edinburgh ar in debait which way he should come. Orbiston is gone to him and I expect to heere againe from him of which I shall acquaint you as sone as I can. I am sure I haue reason to desire your burning this as I did yours, for I haue ben so tytiered that what I writt is hardly legeable ; but I presume you will pardon me, who am both yours and my Ladys humble and faithfull seruant.

148. [The Duke of Hamilton to the Earl of Quensberry]. Burial of Gosfoord's uncle—Company that might meet him on the way.

Tiningham, 22 Jun, 7 at night [c. 1678].

I was very glade to receive yours from Edinburgh, for from none I could here you was come there. That invitation from Gosfoord to his wneckles burriall is not to be expected from so catious a man, but I haue desired Earl Hadinton to write to him to hast the buiriall as much as he could, for I wold kecpe none from itt, tho some inclined to waite on

me; but I wold rather choise to stay at Preston and lett every body go. This was the nearest I could go; there is no fear of any offence that wold be taken aboue at any numbers of company should meet me, and I should be glade with all my heart they wold send me any message to discharge the company with me to come in to the Abbay court, as I hear is talked, but I do not beleive itt. It is not an houre since I come here, so has hasted bake the footman to lett you know that I will be att Preston about 2 o'cloake; so till meeting I onely ad a hearty adieu.

149. Lauderdale's pretensions checked—Of hawks to be sent to his Majesty.

Hamilton, 31 July [c. 1678].

At my return from Crafurd I found your Lordships by James Johnston. The Earl of Lithgow is very happy to be still so kindly remembered by his Majestie, and you will have the advantage of haveing of your friends in place of others aded to the Exchequer; and now I hope Lauderdale's pretensions will trouble you no more when he has been so severly chequed; and I doubt not but so soon as the report comes to his Majestie, his brothers affaires will have the same succes. I can not at this time be with you being ingadged in many privat affaires; and beside I find it not very convenient to make so frequent journeys there, especially when it signifies so litle, but may rather have occasion to give offence, which I will shun all I can. Iff you have no commands for me I am uncertain of my time of being at Kinneill; however, the mears shall be sent to you, Edinburgh, or to the Sanquhair, as you think fitt. For halks I have none worthy sending to his Majestie; tuo tersells of falcon I have, the one I got from Earl of Airly, which I never saw fly, and is sitting in the cott. You may try at him, iff he be fitt for your purpose, and you shall have him; the other, I pouted him this sumer, and all his fathers are in blood and many broke. I have a red halk also, but it seams it is none of those you desire. The bearer will give you an account of what company I have here, and to morrow I go to Glasgow with my nevoy, Anandale. Your commands shall be very welcome to me and shall meet with all the ready performance in my pouer. My wife remembers her humble service to you; so with all kindnes, adieu.

150. His citation before the council—Hallyards denies giving information.

Edinburgh, 9 November [c. 1678]?

I had the honour of your Lordships of the 2^d since I came here. I am very sory to find you are so apt to mistake me, for I suppose my last letter did not inferr that I thought your lordship privie to the citation I had befor the Councill, but that you knew of it befor I got my citation; which I thought wold the rather a hasted your comeing here to haue been a witnesse to haue seen what was in it; and I doubt not but you wold haue been convinced, as all the world that heard it is, of the wnkindnes of those that occasioned it, and I wish they may be more just to the friendshipe I hear your Lordship has now struke up with them then they have been to me. I can not but regrate that your lordship thinks I minde of you of things you sayed to me that you do not remember of. Whatever my faillings are, none can justly charge me with makeing storys; and I am very sure I have never made use of any thing you ener sayed to me to your disadvantage, but you may excuse me to remember your self of things when I meet with the contrare affects from you. But being just now goeing out of the toune, I shall say no more till meeting; and then useing freedom is the best way [to]

clear mistakes amongst friends; onely I shall tell your Lordship that you may know how to consider him hereafter, that Haleyeards before wittnesses denyes he gave you any such information, and says you have mistaken him and alloued me to write so much; and so hartely, adieu.

151. A paper by the Marquis of Douglas.

[c. 1678.]

My Lord, ther is nothing new since my last. It is belived the parliament of England will adjourn till October. So soon as the bill of money is past, Duk of Clogne is coming over to our King to give an accompt of the King of France his affaires. My Lord G. was yesterday, surprysed with a paiper, all wrritt and subscribed by the Marquiss of Douglas, which is to be presented to the councill, wherein your lordship is verie particularlie mentioned. I thoght it my deutie to acquaint you with it and should be veric sorie your name wer brought in publick on such accompts. The Chancelor, I shonld judge the fittest person to interpose and to endeavour to prevent all hearing in these affaires. I should not haue interessed my selfe in such things wer it not something extraordinarie, that you may resoluc what is fitt to be done, or how full you concern yourselfe in it; and withall I hop you will not misconstrue me who have no further designe but to acquitt myself, my Lord, your Lordships most humble and most faithfull servant. Adieu.

For the Earle of Quenisberrie, these.

152. Was unable to visit his Lordship before his departure to court—villainy committed in the country.

Hamilton, 23 Aprill [c, 1680]. ?

This morning I received the honor of your Lordships, and as I told you at parting I intended to have waited on your Lordship befor you had begun your journey to 'court. But, since I came out, haueing been under a litle course of phisike, and haueing since I came here taken blood, and resolved to continew some more days under phisike, finding still the pains of my head and bleeding at my noise continew, makes me fear I dare not adventure to be there so soon as your Lordships intends to begin your journey, to haue the happiness to see you; therefor, shall in this wish your Lordship a good journey and a safe return, and shall not doubt, iff anything occurr wherein I may be concerned, but that I shall meet with your Lordships justice and faver, haveing never done anything to desairue the contrare, and being still desirous of giveing you proofes that I am your Lordships most faithfull servant and most affectionat brother.

I wish with all my heart you may make full discoveries of all the villainy that has been committed in thir countreys, not onely at the late circuite but befor and since, that you may be the more enabled to give his Majestie and Royal Highnes a trew account of the condition thereof. My wife has her most humble service presented to your lordship and both of us to my sister.

153. Tenants cited to the justice courts because they would not give money—recommends Robert Blake, his chamberlain, charged with reset of a preacher.

Hamilton 11 March 1681.

My Lord, the tenants in this inclosed list being citted to be wittneses befor the justice court, I do intreat your fauer to cause dispatch them for the pooer people can very ill waite there; and I am informed they are rather citted, because they wold not give mony (as many in this countrie has done) then for any thing they can prove. I must also recomend to your Lordships fauer one Mr. Robert Blake, who was my

chamberlane here so long as infirmittie wold permite him to serue. He is citted as a reseter of a preacher was in the Rebellion, whereof I believe he is very innocent. I am sure his principles was and is much contrare, and he has allways liued uery orderly, as our dean, I beleive, has testified and I shall remite to himself to inform more particularly his caice, hoping you will not see him the worse used that he is recommended by my lord, your lordships most affectionate brother and most humble servant.

Hamilton.

For the Earle of Quensberry.

154. To wait on his Royal Highness.

Hamilton, 12 June [1681].

10 a'cloake in the morning.

My lord, it was this morning befor I received yours and shall make all the hast I can to waite on his Royall Highnes; but being at present troubled with pains of the seaticke, and haveing been all this year much disordered with pains in my head, I dare not make so great a jurney as to come there to morrow on horse bake; and my chariot being at Kinneill will force me that way; so it will be Wednesday befor I waite on you; and I beg the fauer you will excuse my not comeing sooner to his Royall Highnes. My wife thought to haue come, but not knowing wher to get lodgings, being disappointed of some she expected in the toun as well as in the Abbay, has forced her delay her eomeing till she see what conuenieney I can provide for her; for she is not yet so well recovered but on nights disturbance by a bad lodging may endanger her health. She does remember her humble service to you and nothing shall be more acceptable to me then your friendshipe, which as I euer haue, so I shall ever indevore to desairve, by being very really my Lord, your Lordships most affectionate brother and most humble servant,

Hamilton.

Since under your cover I received one, you will pardon me to put you to the trouble to deliver the anser.

For the Earle of Quensberry.

155. Dangerous condition of his son William—capture of Mr. Donald Cargill.

Hamilton, 13 July [1681].

My Lord, Last night I received your lordships with ane account from Mr. Fa to yon of my son, William. I see his condition very dangerous and fears the worst. I have write this inclosed to Mr. Fa, which I have left open for your perusal, and intreats you will send it under your cover as soon as you can, and I hope you will allow him to do me the fauer I have desired of him. My wife has seen his letter, for I durst not longer keep it up from her. Wee go to morrow to Kinneill, and on Monday or Teusday to Edinburgh. Lee and Sir George Lockhart are chosen for this shire with onely 4 contrare votes. No doubt you will have heard that Sunday last the Chancelour was so dangerously ill that no body expected his life, occasioned by a relaps of his former distemper, in company with my Lord Hatton at Leith on Saturday. Ill-natured people says he did on desing, with eye to his place. Shaftesbury imprisonment no doubt you have itt, but I must tell you another. Cargill and two more preachers, on Smith and Broun, were taken last night at Covington Mill by a party of Captan Stuarts dragoons, whos Lieutenant was just now with me. I shall ad no more to your trouble, hoping to see you at

Edinburgh nixt weeke, but that I am very really, my lord, your lordships most affectionate brother and humble servant,

Hamilton.

My wife remembers her humble seruice to you and both of us to my sister.

For the Earle of Quensbery.

156. His Royal Highness to visit Bothwell-bridge.

Kinnell, 1 October [1681].

I was much surprised this morning to hear of his Royall Highnes going west on Mouday to Glasgow, but what way I do not yet know, tho I hear he is to be at Bothwell bridge to see the ground wher the rebels was beat, so consequently at Hamilton. I should have takin itt as a great dale of honor, if I had been acquainted with his resolutions sooner, that I might haue been prepared to haue intartained him there as well as I could, which on so short advertisement is not possible for me; especially since my wife and servants are here, whoes stay has beeu longer then I intended, occasioned by the neues she had of the death of my son, not being desirous to stir from this for som days, she being unfitt for travell. But it seams this jurney has been keeped very close that you sayed nothing of it in your last, by which it seams his Royal Highnes thinks not fitt the countrey gentry should atend him, which puts me in great doubt what to do; therfor I have given you this trouble to know your advice, whieh I expect this night by this bearer who am, my Lord, your Lordships most affectionate brother and most humble servant,

Hamilton.

157. The keeping of the King's house of Holyrood—General Dalzell's visit to Hamilton.

Hamilton 26 May [1682].

I received yours of the 21, wherein it seams you expecet that I should haue write to the Duke the prejudice the Kings house may sustane by Hattous goeing so abruptly away. I did indeed thinke to have done it, but when I reflected that I had not the right to concern my self, untill his Majesties letter come doune restoreing me to the keeping of it, and my other jurisdiction, I did forbear, untill I receave that letter which the Advocate says is sent up; and so soon as I receavc it, iff you thinke fit, I then write it shall be done. I am extreamly pleased with the assurance you give me of your Lordships kindnes and friendship whieh I shall indevore to desairve all I can; and since you resolve to do me the honour to call here in your return to Edinburgh, I beseech you a weeke befor lett me know that I be not out of the way. My wife remembers her most humble service to you and both of us to my sister, and give me leave to returne my humble service to my Lord Chancelor, and so without cerimouy in the old manner—Adieu.

I had almost forgot to tell you Generall Dalzell was here this day, where he mett the gentlemen of this shire pretty frequently couueeued. They seamed all very frank and willing to do all they could for the security of the peace, and fell on some overtures which will be better digested against this day eight days that he returns from Aire. I do not hear of any disorders or fear of disturbance in this countrey; and I hope gentle methods may prove as well as the rud ones wee have mett with some times.

158. Hatton and the copper coin—the project of Carolina—making court to Shaftsbury.

13 July [c. 1682].

I had the honor of yours yesterday by my footman. I did imagin Hatton wold give in some such thing as he has. I am sure what he clames so fully on the act of indemnity he has acted much other ways in the caice off others, and iff he has gote so litle of the copper coine, iff there be so much coined, as is sayed, the rest of them has made a great dale and much more of the silver coine, iff they haue gote all the remeads ; for iff I understand itt, the standard ought to be 11 denier fine out of the fire, without remedy and not with it, as he calls it in his paper : and iff so, some has made a great dale of the remeadys ; but no doubt this mistery (which in my opinioun is the great matter) the commission will discover ; whereof iff he be innocent (as I can hardly thinke), I atrobute it more to his ignorance then honesty ; for I can hardly thinke he wolde lett such profits go without a share, and iff he come off by the act of indemnity and his exonerations, he has very good fortun. I cannot imagin what of our countrey men are makeing court to Shaftsbery, unles it be those that are about the project of Carolina, wherin they say they are not like to agrie, because they will onely grant Presbyterian Government, but dureing pleasour. I thought the Chancelor and you had been so well with Morray that he wold haue done nothing without your knouledge, and I mervill what the bishop of Edinburgh can haue to pretend now as to Church affaires ; iff things be not now done according to his hearts desire, he is ill to pleas, and I wish indevorung so much to pleas them, things be not made worse as to our peace and settlment. The friut dish is sent, and any thing els in my pouer your Lordship may very friely command ; so in the old manner, adieu.

159. Resolutions of the Heritors of Lanarkshire, in concerte with Genoral Dalzel for securing the peace of the shire and reclaiming "rebells," 2 June 1682.

At Hamilton, the twentie sixth day of May and second day of Junc, j^m vj^e eightie two years.

His Grace the Duke of Hamilton and the Commissioners and heretors then and there mett by appointment of the lords of his Majesties privie councell, having spoke with his Excellencie Generall Dalzell, did take in consideration the means and methods for securing the peace of the shyre of Lanerk allready fallen upon by the secret councell, which are so full that little can be added : only they doe humblie conceive, that it may probablie proue effectuall for reclaiming many of the rebels, if there were warrands and allowances giuen to some persons resideing at leist for sometime within the shyre, to hear and receive addresses from any of the rebels, who are willing to submitt themselves and give the satisfaction required, and security for their good behaviour in time coming.

They humblie moue for taking away all pretext of harbouring or resetting rebels, that true and exact lists may be made of all such of the rebels as have not accepted of his Majesties gracious pardon, and are either forfaulted or declaired fugitives within this shyre, and haue not yett obtained their discharges or given securitie for their good behaviour in time coming ; and in so far as the said lists and rolls may be deficient they are willing to concurr in giving up the list of any omitted, to be returned to the lords of councell, to be by them appointed to be printed and published at the mercat crosses and paroch churches that none pretend ignorance. They haue offered advyce to Generall Dalzell anent the places most conuenient for lodging such forces as may be thought necessary for apprechending skulking vagabonds and rebels, on the confynes of the shyre and elsewhere and for securing the peace.

As to their keeping of their paroch churches, it is conceived that the putting of the laws in execution as well against heritors as others by those to whom the execution of the law is committed, viz. the sheriff and deputs and magistrates of burrows, may proue effectwall. To which all the heritors mett are ready to give all concurrence.

As to the rebels estates, rents and moveables, the meitting know uothing but that the samine are possesst by the rebels themselves or their wifes and children, or others to thier behoue, except where the samyne has been transacted for be those who were authorized by the lords commissioners of the thesaurie or councill; and they humblie think there can be no great difficultie in dispossessing of them, and calling to ane accompt the intromettters according to law. Wheruntill they will be ready to give all concurrence: and they hear nothing of any such abuse as illegall taking back the goods of such as has been fynd or sequestrated upon the accompt of the rebellion, and who threaten these who buy any such goods.

As to the nameing the commissioners of the militia and under officers, it is humblie conceived they cannot so well be condescendit upon untill such time as the captains be named, by whose advice it may be more effectwally done, and to the better purpose. The haill gentlemen did elect the Duke of Hamilton president, and desired his Grace might be pleased to subscrive this in their name.

160. Account of the meeting of the Heritors with General Dalzell—
the country very free of disorders.

Hamilton, 5 Jun [1682.]

Hearing your Lordship will stay at Edinburgh till after the councill day; and that by your last you was desirous to know what wee did here with General Dalyell, I have sent you the copy of a paper he has froni us to present to the Councill. The method he tooke was onely to show us the counells instructions to him, and desired our answer to them. It was not easy to get answers well digested in such meetings, nether does it signifie much the calling of the heritors together for such a bussines, tho I am confident all meaned well enugh, and I hope our countrey shall continev very frie of disorders, as now it is; wherein my indevores shall not be wanting. There is a petition given to the Generall from tuo that was in the rcbellion, which I am confident will giue satisfaction, and iff leaue be given to receave more, I doubt not but many will come off. I am very glade to hear my son has parted with you to your satisfaction. I am sure he shall have my commands to do every thing that may expres his gratetude for your Lordships fauers; for I shall not doubt of your kindness to us all, which I hope you shall neuer have ground to repent; so shall onely add my wifes most humble service to you and both of us to my sister. Adieu.

161. Thanks that the council had noticed his endeavours to serve the King on General Dalzell's visit.

Hamilton, 20 June [c. 1682].

Finding the occasion of this bearer, James Weir (who I hear is to come to your service, and whom I am confident you will find a very honest and good servtant), I could not but give you this trouble, tho I know you are much taken up with bussines, haveing been long from home and but short while to s[t]ay; however, I could not but by the first oportunety thanke you as I have taken notice of it to the Chancellor, that the counsell was pleased to notice my indevores to servc the King when General Dalyell was here; which I assure you I did on no other intention but out of the duty I owe to his Majestie, and the good wishes

I have to the peace and quiet of the countrey ; for I assure your lordship I am very well satisfied with a countrey life and covatts no more but his Majesties protection therein. I was resolved to have been in Crafurd nixt weeke, partly about bussines and partly for sport ; but hopeing for your good company about the end off it, I am resolved not to stir from this till I sec you. I shall not this way make reflections on Hattons affaires, onely I am apt to thinke he has better fortun then honester men had ; and so I am of the opinion it will continew, which which will be but small incurragement to some others ; but more of this at meeting ; so shall onely ade my wifes most humble service to your Lordship, and both of us to my sister. Adieu.

162. Lodgings for the Earl of Linlithgow in Holyrood Palace—custom house at Borroustonness.

Hamilton, 7 Agust [c. 1682].

It was yesterday after sermons befor I gote your Lordships of the 3d. The letter from his Majestie, commanding and requiring me to take care that the Earle of Linlithgow be setled and possessed in the lodgings to be apointed by your Lordship or the treasurer deput for him, I received the day befor. You may be assured I can not be pleased with a letter of this stile ; for beside that its contrare to what his Majestie determined upon former aplication, and derected all letters onely to my self since, untill these of late for your Lordship, my Lord Chancellor, Justice Generall, and Regester, as I did make appear to you ; so that this peremtore requiring me to posses him was as I remember never in any befor, but that second letter for giveing Hatton those lodgings you now possess. So what has occasioned this I can not imagine, but rather expected the former letters should be helped, and particularly a new one gote for the Regesters lodgings to be a reull in time comeing ; which iff I be not mistaken was promised, and now its like you may have a good occasion to minde it, hearing the Regester is goeing up ; and I wish it may, that I may be freed from debating with the Kings officers for procureing letters to take away rights under the great seall, ratified in Parliament. But iff this way be not done, I must petition his Majestie againe, and show my wifes right, for I cannot be put out off it this way, which debate I hope your Lordship will preuent ; and pardon me that I can not obey in putting Earle of Linlithgow in possession of any lodgings untill his Majestie be acquainted with itt ; nor do I know what lodgings there is to give him, unless he haue those the Dutches had, since you say the Duke was so kind as to remember my conveniency to allow me to keep those my Lady Petterbrough had. It is no small trouble to me to be in perpetuall debates about the keeping of this house : so my wife and I beseechs you to think on some way that wee may have a reasonable satisfaction for our right, or otherways that wee be allowed to posses itt as our predecessors has done befor ; so untill I know your resolution I shall say no more of the matter, nor will make no aplication to court about it, hopeing you will preuent itt ; nor shall not ad any other thing to this long letter, but hopes you will minde the changeing the customehouse to Borroustones, wher it has been past all memory, untill within this few years. And I am sure the toun of Lithgow can never make it appear, but that its a lose both to the Kings customes and a prejudicce to the leidges, its being at Blaknesse, as your own collectors who has interrest in nether places can make it appear. Thus you see I make use of the freedom you allow me in what is the concern of this famely. All in itt is really your faithfull and humble servants ; so, adieu.

163. Linlithgow's lodgings in Holyrood Palace—Marquis of Douglas going to France.

Hamilton, 17 August [c. 1682].

This morning I received your Lordships, and thinks strange that you say my last seemed to blame you for Lithgows getting lodgings. I am sure, if it did so, it's what I did not intend; for I have no such thought, and told you that I wold not obey in giveing any lodgings you should appoint for him, a purpose to prevent your ordering any for him, and that you might have it for a reason to give in answer to the letter you had for the doeing so. I return your Lordship hearty thanks for writting to his Royal Highnes about itt, and I have write to my son also, and iff this do not do I must submit: and now when I am troubleing you about the house, I must tell you that Robert Kennedy writes he is like to get none of his pension, for he says you told him he was not in your list. If it is so, its impossible for him to looke after the concerns of that imployment, and the house will suffer by itt, which I intreat your Lordship to represent that I may be excused iff the house bc not so looked after as it should be; for in no time was the under keepers allowanee kepted off him, but within this few years by the treasurer deput. I do not know what you mean by the great neues here and the greater expeetations you say is abone. I have heard of nothing considerable, nor what is the faver intended for Sir John Faleoner; all is misteries to me, so I beseech you unridle them. The Marquis of Douglas did not me so much faver as to lett me know in the least of his intentions, either as to himself or son. I did hear of his goeing to the wells in England, but yours is the first of his goeing to France with his son; so I assure you dereetly nor indereetly I am no aduiser of him, but am mueh in my judgement againtest both his and his sons journey. Iff you do not eoneern your self for that famely, I see eartaine reuin to itt; and I shall be ready to eoneurr with you, if it be possible to presairue yet a memory of it. I shall not trouble you conneering the affaire of Borrowstones untill your return in November. My wife is your most humble servant, and I beseech you do not easely belieue storys to lessen the good understanding betuixt us, for I assure you it's not in the pouer of any to alter me from what I haue told you; and so long as my serviee can be usefull to you, you may command it very friely, and I am sure there is none living you may more really confide in; so, adieu.

164. He had received notice from the Duke that His Majesty was to bestow the Garter on him—Lodgings in Holyrood Palace.

Hamilton, 6 September [1682].

I received your Lordships this night and was to haue dispached one to you to morrow, to have wished you joy of the Castle and giuen you an aceount, that this morning I had a letter from my Lord Chaneelor, by his Royal Highnes command, to give me noticee, that his Majestie had bestoued the Garter on me; and with it I had a letter from my son telling me the same, and how mueh I was oblidged to his Royal Highnes for itt; and except by a letter from my son the post befor, that told me the Duke had proposed itt for me, I never heard any thing of the desing of putting that marke of his Majesties faver on me, for whieh I shall be very thankfull to both the King and Duke. My son write also to me that he had spoke to the Duke concerning the lodgings apointed for Lithgow, and concerning the stile of the letters, and that they wer not now as formerly, as I had made appear to your Lordship; so the Duke told him when he heard so from you they should be altered by which it wold appear what you told me you had

write to the Duke to that purpose has not been come to his hand, or forgott by him ; so lett me intreat the faver, iff you haue not already upon my sons giveing you an account of this, that you will lett the Duke know what I produced to you as to the old way of derecting letters to me and my predecessors for lodgings, and how Lauderdale did encroach on me, and how it was once againe rectefied by his Majestie, that what is gone wrong now againe may be helped, which now it seams depends on the report you make of that affaire. As to these roomes you wer pleased to allow my wife, you need not doubt butt you shall command them when you thinke fit. I thought to haue waited on you shortly at the Sanquhar, but hearing that you are so much taken up with bussines, I will delay untill your bussines is over. I am very sory to heare my sister is ill. My wife presents her humble service to you and her, and has sent her by your footman a litle freuit, and both of us wishes her perfect recovery and much happienes to you both. Adieu.

165. About a seat in the Abbey Church.

Hamilton, 13 September [16]82.

I was much surprised to hear this day that one David Maitland, a servant to the late treasurer deput, without acquainting ether me or my underkeeper, came to a seat in the Abbay church possessed by my wife and me aboue this tuo and tuenty years, and offered to take of the lock was on itt and to make some alteration, pretending you had ordered him, which I can not beleive, neuer haveing heard in the least of itt from you. So I ordered to stop him, and hopes for reparation against this fellow by your putting him out of the Abbay (for it is not the first time I haue mett with his rudnes) and that you will not countenance him to follow the foot steps his old master taught him, since your Lordship knoues I wold not differred with you about any such thing. The late Chancelor had a minde once to haue possesed that seat, but after further consideration nether he nor his lady made use of itt when my wife was in toun ; and euen when the Duke off Lauderdale was Commissioner, his Dutches was satisfied to sitt by my wife in it, and sure you or my sister might with more fredome haue done itt, and there need be no debate about itt. So I beseech your Lordship lett not any whisperings or storys make mistakes or occasion debates, which perchance is done on desing to stop the good understanding that is betwixt us, whieh shall be unchangable on my part so long as you ouen the same friendship for me ; so, adien.

166. Match between Atholl and the Duke's daughter—Keeping of Palace of Holyrood—Lodgings to the Earl of Linlithgow—To go to be invested with the Garter.

Holyroodhouse, 30 Sept. [1682].

My wife and I has been here since Fryday was eight days about ending that match proposed by the Marquis of Atholl for his son to my daughter ; but finding some deficulties in ending seureties at this time, wee have delayed itt till our next meeting at this place, being to go from this on Monday. I have received a new letter from his Majestie for lodgings to my Lord Regester, and because it is of a new stile and which he says is to be the method of drauing of such letters hereafter I have sent you the copy off it. The lodgings he was in possession of befor, except the kitching which my Lord Perth had, which he says he gote by his consent. Now that I am speaking of the house, I shall tell you that I find itt in a uery ill condition and such stealling and pikeing about itt, that I never knew the like ; and there is great suspision of

the soldery them selues or by there conneincance. I haue giuen order that all the people that has the litle dale houses about may provide them selues, and that there houses be pulled doun, and other methods must be taken then euer has been for lookeing after this house, els it will go to rewin or be still on unnessessare charge on the King, as at meeting I shall more fully speak of to you. The lodgings that my son by your lordships assistance got the Earl Linlithgow put by from getting them, is now procured by Lundy, the treasurer deput, and as my son wris there is a letter to come to me about them; but with dificulty he has gote aded to itt, iff I be otherways provided. So you may sie what trouble I still meet with to gett lodgings keeped for my self in this house, and it is such a vexation to me, that I must indevor to be at an end off itt some way or other. Iff your lordship find an absolut necessity for haueing these tuo rounmes you once intended to part with to me, I will upon hearing from you rather presently part with them then hereafter; for I find they are reckoned upon as belonging to me, and so its thought I may the better part with those my Lady Peterbrough had to the treasurer deput. I am told the seat in the church that Roxbrough posseses was the seat the King sat in in 1633, and that the pulpit then stood nearer the east end of the church, and that Roxbrough got onely possesion of itt when he was privie seall. This your Lordship wold cause try, that the King lose not his right to itt.

1 October. Last night I write this length. This day I haue receiued a letter from the Duke telling me its thought fitt I come up to gett the Garter, and that the sooner the better. Albeit a winter journey is very inconvenient for me, yet I am resolued to aduentur on itt, and thinks within a fortnight to return here so far on my journey. I shall be in Hamilton on Wednesday or Thursday next, wher I am to enter on a litle course of phisike to prepare me for my journey, finding some pains of the seatike now stirring on me; which, and some urgent affairs I have to dispatch so presses me for time, that it will be great dificulty to me to come the length of Sanquhaire, to waite on you befor I go; and I wold very gladly see you. So iff your conveniency can allow you to meet any wherc betuixt Sanquhaire and Hamilton, where wee can be a night together nixt weeke, upon your aduertisement I shall punctually keep time and place, and I hope you will pardon this freedom.

This bearer, William Cunningham, late provcist of Aire, has been shoueing me how much that place is wronged by the present proveist in the election of magistrats for this nixt year; and as he represents itt there is great incroachments used on that touns frie liberty of election; and since he and others are willing to do every thing the law requires, and cary as becomes good subjects, bypast miscariages shuld be forgote, and every body received that will do what is fitt for the King and Dukes seruice, as he proffeses he will very sincerely do; and also desires to be beholden to you for to see that toun gett right done them; and therfor desires you wold call both parties and see iff you can reconcile differences; and iff you can not, that you will befriend the toun when they make their aplication to the counsell, as himself will more fully inform you of the justice of their demands; and I am confident they will serue you more faithfully, and I am sure are more able then the others. I shall say no more but that I fear this long letter will weary you, and that I am very sincerely yours; so, adieu.

My wife remembers her humble seruice to you and both of us to my sister. I trouble you with no neues knoweing you haue better accounts then I can giue you.

167. Custom-house at Borroustounness—Hallyards commission to seize estates of persons accused of rebellion—Hamiltons remonstrance against such a commission.

Edinburgh, 19 October [c. 1682].

To morrow I go to Tiningham so far on my journey. Hew Wallace tells me that your Lordship remembers Borroustones bussines, tho I forgote to speake of itt, for which I thanke you verry heartly, and intreats itt may be done when you come here; for you will find it is an advantage to His Majesties customs the customhouse be there. I forgot also to tell you that Halyards, who you write to me to continuie in the imployment he had of lookeing after the rebells estates in our shire, was in the countrey but did not come near me and onely tooke the aduise of Sir John Wheitford; and as I am told resolues the methods he proposes to him which will prove great trouble to the countrey and litle advantage to the King. At Kinneill on Tuesday he come to me and shew me his commission, wherin there is a clause impouering him to sease the goods of any he shall be informed was in the rebellion. If this latetude be left to him, I am sure he will abuse the countrey, for I hear he is a very profligat man; so I intreat your Lordship to reconsider his commission, and iff you will restrict it only to forfeit parsons and those denunced fugitiues, there may be better ways fallen on hereafter to discover any others that are omitted. I shall onely ad (being much taken up) to beg you will not glue ear to storys that may be on intention to lessen the good corrspondance that is betuixt us; and it's probable when you come here, you will know some of those you told me off was very great mistakes, and I assure you that you shall never have reason to doubt my friendslipe both to your parson and famely. So with my humble service to my sister, I am very really your Lordships most faithfull servant and affectionate brother.

168. Instalment as Knight of the Garter—Sir William Hamilton of Preston's fine—Dumbarton's affairs.

London, 23 November [1682].

Last night at my return from Windsor I received your Lordships. If I could have sayed any thing to you with [worth] your knouledg, I had not been so long silent. All the while till my goeing to Windsor I was in a perpetuall trouble with receiving and repaying of vissits, and preparing for my instalement; and now being resolved to return very quikly, I shall be in the like trouble of vissits and preparing, for I fear a very cold and ill journey; so you may see I have not much time to enjoy the pleasures of this place. As to that bussines of Borroustones, my servants does complean extreamly of the minister, and that he was very unjust in that complaint he made, but I will trouble you no more with it untill meeting. His Royal Highnes haveing at my desire promised to write to your Lordship in favers of Sir William Hamilton of Preston for a discharge of his fine, I intreat you will befriend him in itt, for euen that fine tho it be no great soum can not be payed by him without almost breaking of him, his condition is so ill, occasioned most by his fathers sufferings for the King, as himself will more fully inform your lordship. If any thing occur here worth your trouble, you shall hear againe from me; so wishing you all happenies and a mirrie meeting, adieu.

My most humble service to my sister and my sons to you both. My brother, Dumbarton, says he will write himself, his affairs goes not well hear which disheartns him.

169. In favour of remitting Hamilton of Preston's fine—Custom-house at Borroustouness. [From Anne Duchess of Hamilton on behalf of the Duke.]

30 November [c. 1682].

My Lord, I did writ to your lordship before intreating your favorable assistance in Sir William Hamilton of Prestons consernc; but he was so hotly perswed that he thought the flying mans part was best for him, and so brought back my letter. But now, since His Royall Highnes has ben pleased to recomend him, as my Lord wrnts he has both to your lordship and to my Lord Chaneelor, for a discharg of his fine, which that he may obtaine I beseche your lordship to direct him what methods to follow; and did not my lord and I know the gentelmans principalls to be uerie loyall, we should not interceid for him. His father was well known to the King, who gaue him sume mark of his fauer, which by his not being countenanced so much as he deserued rendered that gift of uerie littell benefit, and far short of what had ben his lose in his Majesties serues; and for his brothers unworthynes, I hope that cant be obtrnded against him, who has on all occasions euenced his abhorance of the others ways. So presuming I haue said innough to inderdue him, I leave this subject and goe to another of my owne perticular concerne, of which I doubt not but your lordship has heard of, and I also wrot to you of in the letter I haue mentioned, of a foolish bussens at Borowstones being brought before the counsell, whare my Lord and I wanted your presence, tho I cant complain of the counsells fauerablenes, the bussenes not being examined. And now since my Lord is so neare coming home, I earnestly intreat your lordship that there may be no thing done concerning that place while his return; and if I weir not uerie confedent there can be no prejudices to his Majesties affaires by this, I should be far from making this suit, which I beg as a fauer to, my Lord, your Lordships most humble servant,

Hamilton.

170. Protestation made at Lesmahagow—donator to the forfeitures in the shire.

Hamilton, 5 January 1683.

I haue apointed this bearer to give your Lordship and my Lord Chancelor an account of what I haue done in discouering the authors of that protestation was made at Lesmahagow, and of some other disorders, which wold haue been to long to troubled ether of you this way. After you haue heard him, I shall expect your advice how to proceed in these matters. I hear also that there is a donator in this shire to looke after the goods of forfeit and fugitiue parsons. I intreat your Lordship to consider his comission and leaue him no latetud, under the pretence of makeing discouerys, to opres the countrey, as you know on of that kind did befor.

Now I must trouble you with some particulars. There is a vassall of mine dead that holds some lands in Dalserfe ward, and holds also some ward of the King, as the bearer will more particularly inform: all I desire is that the ward and gift of tutory that is in the Kings hand may not be givin untill I be heard; and I also intreat your Lordship will order the repairing of my lodgings, which now stops for want of some matterialls the bearer will acquaint you with, and will be but a very small charge to the King; and wntill it be done, I can not bring in my wife, who presents her humble service to you and my sister, as I do mine to you both, who is really yours in the old manner. Adieu.

I expect, when you write, your neues.

171. Sir John Harper staged--plea for consideration.

Hamilton, 10 February 1683.

My Lord, Sir John Harper being staged, which I hope will apeare on misinformation, I cant but doe him the justice to informe your Lordship that his complyance in the vserpers time was of a more innocent nature then meny others weere of; he being put in that imploymcnt of a trustic by Collonels Lockharts means, as on that would be seruesable to me in getting better payment of that small alowance was apointed me out of my estat, and in that time did not as meny others renounce the King; which may plead for fauer in his behalfe, and is the suit of your lordships most humble seruant.

Hamilton.

For the Marques of Queensbery, Lord High Treasurer of Scotland.

172. A garrison for Straven or Blackwood—capture of Captain John Wilson by Lieutenant Creighton.

Hamilton, 14 Aprill [c. 1683].

I have litle to trouble your Lordship with from this. I hear these rebels I gave the list of are s(k)ulking up and doun in thries and foures, and one of them broke a tenants head of mine very ill this weeke for haueing taken his roume; and the said tenant, havcng been at Lanark at a faire, knew one of them that was in the rebels company that broke his head, and discovered the same to the lieutenant that comands the dragoons there, who has taken him. I write to the said lieutenant to send parties out to looke for the rest, and gote my tenant to go with them to some suspect places, and I have also from this sent out a partie last night to search other suspect places, and got a countrie man that knoues the country to go with them to guide them. What succes they have my nixt shall acquaint you. Itt will be absolutly necessare that a garison be putt in Straven or the Blackwood, to banish them (iff they can not apprehend them) these muires, where no doubt there haunts will be this sumer, and these muires would bc searched by parties every weeke. Lieutenant General Drumond I doubt gaue an account that the Blackwood may hold 24 dragoons and as many foot, which is abouindance for this purpose; but iff Straven be thought fitter, I thinke there is no hasard in there lying in the toun, iff it be not thought fitt to repaire so much of the house as will lodge them.

My Lord Murray has been here and told me his father had been very ill since I came outt. Wee have agried on Tuesday the 24 instant for his mariage, so without ceremony I am really yours. Adieu.

After I had write and closed this, Lieutenant Creighton, that commands at Lanark, came here, to giue me an account of his last nights succes, and, tho he has missed the rebels I write to him to catch, yett he has gotten on Captain Wilson who comanded the Lanark company off Rebels, a maine ringleader amongst them, and by some letters taken on him you will see he can, if he will, discover more then any yett has been in hand of late. He has been corrossponding with Lauric, that was lately reprimed, even since that time, and some of the letters relates to things I do not well understand. They are worth your ouen per-useing, and pains wold be taken to find out the person that writes these letters. I find this Lieutenant, whom I neuer saw befor, a prety sharp man. He says, iff he had a company of foot to ly at Lanark with him, he wold hope to catch them all in time, and thinks that place fitter then ether Straven or Blackwood, and has convinced me of itt, as I

haue advised him to be frequently out with small parties, which in all probability will be the way to do their bussines, for great parties comeing from afar makes but a noise ; and he will need foot to help to search the woods, wher most of them shelters and wher this man was taken, and had most gote away. So iff you will order ether the company that lys here or some other may go to Lanarke, it will be most fitt, and they shall haue all the advice and assistance I can giue them ; and I hope a little time will clear this country of these rogues. The prisoner is an heritor in Lanark and my fathers old tutor, Alexander Wilsons son, and to incorradge the lieutenant he wold haue some thing given him, which will make him and others the more dilligent. Pardon this freedom, my zeall for the King's service makes me medle this far. The prisoner with the letters will be sent to morrow from Lanark. You may comunicate this as you please.

173. Consternation about the Justice Court—Eleven men in arms seen near Glasgow.

Hamilton, 1 May [c. 1683] ?

Your Lordships servant, James Weir, was here on Monday, but the Marquis of Atholl being to go away that day I had not time to write to you by him. I did take a copy of these papers concerning the Marquis Douglas his estat and shall so soon as I haue time to peruse them tell you my thoughts, which I am affryed is to late to do any good.

The people in this countrey is in great consternation for the justice court, and its hard to persuade them to appear that is citted, tho' neuer so inocent ; and as I hear many of the gentry is as aprehensive as the commons, so by appearance the numbers of the absents will be great. I confes I can not find out the advantage of this circuite court, ether to King or countrey, for it is not to be expected after the former exact inquiries that has been made by donators, officers of the army and others, that any considerable discoveries off rebels that has not been heard of can be made and what other thing they haue to do does not occurre to me. I am sure iff the Clerk and others be not very discreet, itt will be a great charge to the countrey ; but no doubt your lordships that are at the helme will haue a caire that the countrey be not harased, which is already at the point of reuine. This day fortwight there was eliven men in arms and a woman seen go by within tuo miles of this on a high way to Glasgow, and was mett within a mile and a half of the toun about day light gocing. I haue caused examine seueralls that saw them, but not a man knew one of them. Wee aprehend they were rebels, but some others thinks because they went so near Glasgow and on the straight road to itt in fair day light, that it was a partie of foot disguised sent out for some end. I hear my Lord Chancelor had notice of itt long befor I had ; but you may be sure if it had been any thing of consequence I wold acquainted him with itt, which I desire your Lordship to show him.

I heard about a month ago from my eldest son, that I was to haue the Lithgow shire regement, and he was to haue the Militia Troop I got a comission for in this shire. I pray you lett me know what is in itt (for my son write Claverhouse told it him) befor you leaue that place. I find the gentry and leaders of the militia grumbles much to be at the charge of bying new armes, since ther former armes was taken from them by order, and the clerke of the militia has the officers receipt of all the armes, who was Captan Scot, one of the brigadiers of the troop of Gaurds. I shall be glade to know your Lordships thoughts, how aplication shall be made for them ; and iff you thinke itt fitt, adres

shall be made to the Chaneelor. You need not take notice of what I haue write to you. So expecting your answer and your neues, I am very sincerely yours, adien.

174. The Porteous Roll—prisoner rescued at Inchbellie Brig.

Hamilton, 8 June [1683].

I come from Edinburgh on Teusday last. I shall not trouble you in this with any thing passed there wherin I was concerned, but that I had some fric comuning with some parsons, wherin I was told that no body need take itt ill there being in the Porteous Roll; for the Treasurer might be in one, and it wold giue but honest men an occasion to vindicate themselues. I sayed I did not like the method of vindication. I gote our randevous putt off till the 2d Wednesday of Agust; bnt the occasion of this letter is to tell you that this day the Marquis of Montrose, being at dener with me, an expres followed him from Glasgow, to lett him know that at Inchbellie-brige a partie of fve of the Gards bringing a prisoner from Edinburgh, that they call Smith, was sett on by 12 of the rebels, who rescued the prisoner and killed 2 of the Gards on the place. I am affreyed this shall not be the last of these disorders, iff wee hane many declared fugitives. I haue giuen directions to all my concerns hereabouts, to inform themselnes of any rebels that is seen, and giue me notice; and wee shall haue a great number here on Monday of the heritors of this shire to go to meet the justices at Glasgow, wher your comands, iff yon haue any for me, will find me for some days. I hane ordered my sheriff deput to send an expres to you with this. So with my humble service to my sister, adieu.

175. Rescue of the prisoner at Inchbellie Bridge—Risk of being in the Porteons Roll—The circuit courts at Stirling and Glasgow.

Hamilton, 9 June [1683],
9 in the morning.

Last night after ten I reeeived your Lordships. I had that afternoon write to you and ordered my shirrife deput, who was goeing to Oner Ward, to send it by an expres, which I hope is with you befor this. The allarnm the Marquis of Montröse gote here of a partie of his troop being beat and a prisoner releined pnt us in some confussion, then supposeing the partie of the rebels had been greater then they wer that had done itt; bnt as I write to you, haueing sent out scueralls to try about it, I find they wer but 7 foot men of the rebels, who had darned them selues in a house on a strait pass on the high way; and, when the 5 of the Gard come by with the prisoner, they surprised them and shot on dead, hurt another, and releived the prisoner. This you will thinke pretty bold for 7 foot to attake 5 of the Gard and come safe off without any loss. The[y] disepat at a moss a little on this side of the place, and 3 of them come towards the south and 4 went westward. Of the 3 that come this way some of my people had the good fortun to catch tuo, who was broght here last night, and the insolentest rognes that euer I spoke to. When I examined them, they wold scarce giue me eivil answers, lett be to confes a word. I sent immediately to Glasgow for a partie to cary them away, which came this morning by 5, and dispatehing them is the reason I haue becn so long in docing so to your footman. When I was at Edinburgh, I asked the parson that write to me how he heard of my waiting on you, and I find it was from the Chancelor, so you may know if you told it him. As to what I heard of Claverhouse concerning you, it was from my son, and he wris bnt generalls; bnt no doubt you will hear the particulars, and then you can best judge how

fitt it is for you to challenge them. There was nothing sayed to me in partieulare by the Chaneelor of my being in any Roll for resetting rebels; but my last told you what was sayed in the generall, and that you might be in the same eaiee. I heard nothing of these good instructions you say was resolued upon befor you parted to give the justiees; but that morning befor they went away, the Chancelor ealled a eounsell at his ouen lodging, to which I was a litle long a eomeing; so onely heard some instruictions read ouer, in which I find heritors tho not rebels in worse eondition then the rebels; for rebels, and the resetters of them, iff not heritors, can eome of upon takeing the Test, but heritors has not that fauer alloued them; but to the contrarie are not onely lyable for reseting their tenants, that was in the rebellion, whither in roll or not befor, but are also lyable for there tenants, eottars and servants. So that it is in the pouer of any tenant, by resetting a eottar or a servant that was in the rebellion, to make his master lyable, and they in a eapaeity to eome of them selues; whieh I thought was very unreasonable, and tooke the friedom to speake againtest itt, but to litle purpose. All heritors, I find, must onee find eaton, whateuer there eaiee is, and then your lordship that is att the helm will eonsider how far to proeess, and in the mean time this finding eaton will be echarge beside other ineonvenieneies in itt. The first two days at Stirling many wer declared fugitiues, euen those that wer then and ready to appear, but by confussion gote it not done; whieh the lords indevored to help afterwards, and apearing moderat, it's hoped many will appear that it was feared wold not; and aecording as things are earied therc, I find people resolues to take measures here. This long letter will trouble you, so I ad no more to itt but my humble service to my sister and my wifes to you both, and heartely, adieu.

I intend to be at Crafurd after the eireuits is over, and from that I will send to know if you are at home and then wait on you.

176. Justiee Court at Glasgow—Claverhouse and the Justice Clerk, chief directors—Perth going to Hamilton—less trusted than before he took the Test.

Glasgow, 14 June [e. 1683].

Your lordship will get so full aeeounts from others what is the proceedor of the justice here, that I will not trouble you with itt; onely, I see Claverhouse and the Clarke are the eheife derectors; and I am affreyed wee shall haue in this shire many fugitiues, and euen mony innocent, who are not to be persuaded to appear, fearing nothing will bring them off but takeing the test, which their foly will not allow them to do. So our deficulties will be more after this then befor, for it will not be possible to liue in this countrey without hasard of eonvers and resset with fugitiues; and it will be a hard task to take them all, iff the Kings forces do it not. Perth is this day goeing up to Hamilton to diner there, and I do not intend to return. At meeting you shall haue full aceounts of what has past and does pass here. I haue heard of that story you mention concerning my sons eomplaints of the ill usage I meet with from some here; and was told that it was understood it was but trike your being named, but that the intention was to load the Chancelor; and I find Claverhouse is the informer and of other things of greater consequence. But, however, I shall say to you, as I did to the parson told me the story here, untill I hear particularly what my son sayed, I can not answer. But, sure, euery body sees that I haue not been well used even sinee I tooke the test, but les trusted then befor; and how my tenants has been harrased by the late rebellion and sinee, it will easely be made appear; and iff I had been trusted to overseen Halyeards

and Miltons earrage in glueing informations, as you know I desired, the circuite had been to better purpose and les charge to King or countrey, and as good seruice done; of all whieh I did glie my son an account, but I am very sure not with the least reflection or complaint of you; nor do I beleive he has sayed any thing by which it can be inferred; but himself is the best can clear you. I am of the opinione you had best delay saying any thing to Claverhouse, and a little time no doubt will clear you more iff you have reason to distrust his kindnes; and as yitt I have heard nothing from my son that he has made any such complaints. What you write concerning the abuses in the Abbay, I wish you had told me the particulares, for I heard of none when I was last there. Iff servants be put upon me, I haue mett with as great injuries; and its like, if it be so, they will be better payed then those I employ, and then they may looke better to the house; and unles the underkeeper get his pension or some allowance, its impossible for him to keep servants to looke after the house as it should be done. I am so straitned with time and cruded with eompany, that your lordship must excuse the errors of this, for I haue scarce time to read it over; and so onely ads that I am really yours, and humble seruice to my sister. Adieu.

I have desired your son to lett me know when the Colledge rises and I shall send horses for him; so you need but send to Hamilton for him, iff you allow of this.

177. The eircuit court at Glasgow—many declared fugitives—many took the Test—Five forfeited.

Hamilton, 19 June [1683].

This bearer, Walter Sharp, who was my page, being now preferred to be an ensing desires my recommendations to your lordship for entering him to his pay, which I know was a needles trouble, not doubting you will not the les consider him that he onee served me. I hope befor this you have had mine from Glasgow, wher I was necessitat to return, my tenants haveing all come away when they saw me leave the plae, but my goeing bake made most of them return. It is not in my pouer to expres to yow what I saw and heard there; which I shall do the best I can at meeting, so soon as the circuite is past you. I can not tell you how many are declared fugitives, for the Clarke himself could not tell when he left Glasgow, and denuneed onely the absents in generall, so I hope the leidges are seeurr untill their names are knouen. Many more bothe of gentlemen and tenants tooke the Test then I expeeted, none assoilied how innocent so euer, but all bound over to answer at Edinburgh the 24 of July nixt, which has been chargable to them; those 5 forfeit, wheroft two of them are Hamiltons, Mr. John Hamiltons of the Greens son, and the other a nevoy of the late Lord Bellhaven, whose absence through foolish fear rather then their gilt did forfeit them. Their estates will not reimburse the Kings charge at Glasgow, but they say that will be well made up at Edinburgh, where I hope your Lordship will be a witness to itt. My wife and all here remembers their most humble service to your lordship and my sister, and I am really yours; so, adieu.

178. About a meeting—the remark that the Treasurer might be in the Porteous Roll &c.

26 June [c. 1683].

This morning I received your Lordships letter, and doubts not but these conjectures wold be made you write of, but am sory to have the

least apprehension they wold haue weight or impression with the Duke ; for if so, wee can meet no where but the same may be sayed ; and iff our enemys has so much pouer, I am sure my condition is ill. Houver, I shall do as you advise, and make the best excuse I can for the change of my resolution of waiting on you, and none from me shall know the reason, as I am sure I haue not to any sayed a word of what you desired I might net notice of our correspondence. But itt seams you haue not done so to me, or those you trust has not ansuered your expectations ; for since my last I have notice that the Chancelor has spoke to a friend and chalenged my haueing write to you, that he should haue sayed you was in the Porteons Roll, which he denys. So I was forced to write the whole story of itt, which I thought not to troubled you with till meeting, for I do not love to be thought a lyer or maker of storys. And its thus, being befor the bishop of Edinburgh, argueing with the Chancelor the vnreasonableness of puting in the Porteous Roll heritors for haueing on their grounds tenants, servants, or cotters, who perchance might have been in that rebellion, and was never heard of befor or declared fugitiue, the Chancelor sayed it wold be but one occasion to men to vindicate themselues and do their duty, and an occasion to show their loyalty, and he wold thinke nothing to be in that caice himself ; and the bishop of Edinburgh aded, and it might be the Treasurers caice ; and I sayed, be whoes caice itt wold, I did not like itt, nor such ways off expressing loyalty. And iff you will consider my ietter, you will find I did not say the Chancelor sayed you was in the Porteous Roll, tho I considered this being sayed befor him, and he saying nothing to the contrarie, was as much as he understood your being in that caice. And since it has come aboue board, I will abide by what I here write to you. But I can not but thinke you had better haue made other use cf it ; for tho you may be able to withstand the prejudice he may haue at you, it will be a harder pull for me to do itt ; and I wish this had not come abroad, but you will know how it is, and I shall be glade to know it to. My wife presents her most humble service to your lordship, and both of us to my sister ; so heartely, adieu.

I had almost forgot to tell you, iff I be att Edinburgh at all, it will be the 23 of the next month for any thing I know or I be there ; but I intend to be at Crafurd nixt weeke some days.

179. Asking that the day for his tenants to appear before the Justices should be delayed.

Hamilton, 19 July [c. 1683].

If your Lordship had kepted the Marquis of Atholl, I had been with you there next weeke, but now I am ingadged to go to Tilibarne then with my daughter, which has occasioned the Chancelor the trouble of a letter to intreat him to get my people that are to appear befor the justices the 24 delayed, and a new day given them ; for I am affreyed my not being there make many not appear that other ways wold, and I should be sory many of mine wer declared fugitive. This fauer can be no prejudice to his Majesties seruice, since I am sure the justices has so much greater worke to do, that it wer not possible to dispatch them in a fortnight, and they are not able to attend ; so I shall hope for your assistance herein, and what day is giuen them, I shall be sure to be there and indevore to cause as many appear as I can. James Johnston will inform who are those I desire this fauer for ; and what you think fitt to transmit of your neues, he will send safe to your most affectionate and faithfull servant and brother. Adieu.

180. Credentials given to Claverhouse—resetting of rebels—rendezvous of militia and Justiee Court.

Sunday, 6 at night [e. July 1683].

Within this houre I received your Lordships, and has dispatched the bearer as soon as I could. I shall obserue your commands, when I come to Edinburgh, in being as catious as I can that nothing of our correspondenee may appear. I had it write to me that I was to waite on you at Sanquhair, and I am sure I shoud my letter I write last to you to no body but my wife, nor did not speake of it to any; so you may know iff it has eome any way from you. I can not but tell you also that I heard you had giuen Claverous when he went up absolute credencials, and that he had not used them much to your advantage, especially in the debate you haue with the toun of Edinburgh; so does not admire if he is in resairue with you now. I do not thinke of waiting on you untill the Justiee Court and the randevous of the militia be ouer; and befor that its like you may haue the trouble of hearing from me oftner then onee. The plae of rendevous of the militia regement of Lithgowshire being nearer Edinburgh than any other plae I could well lodge at that night, made me resolve to go there, haueing likeways some little partieulare to do. As rolls are made in this shire of rebels, it wer impossible but some must be on my wifes land and mine, when 5 parts old toun of Hamilton are eittid; so it seams all that saw and spoke with them are guilty, and iff resetting such be a eryme, I know none in this countrey innocent; but I am sure, first and last, I haue done as much againtest rebels as any that will accuse me of ressetting them; and no doubt iff those in the Government haue a minde to pike quarrells with any but they may easily do itt; and how far this in [is] intended, as some expeet, you will use freedom; for I apprehend some peoples prejudice may prompt them all they can, and it is better preventing a storm then scattering it out. I pray you lett me know how far its fitt for me to meet the lords of the justiciary, and what you intend when they come to that countrey. It seams you thinke the mears I gave you will be understood a bribe; I intended them none, so you need not send them bake. My wife presents her most humble servie to you and both of us to my sister. I am very sincerely and really yours; so, adieu.

My servie to the Barron and his lady; and tell him, iff he is forfeit, I hope he will allow my son to beg his estat, since he has already so good a claime to itt.

181. Mceting of the troop of militia.

9 August [1683].

I haue sent this bearer for the hale your Lordship promised me, and has sent to James Johnston an estimat what I think may do these roomes my wife desired to be altered to show your Lordship, and hopes you will giue order for itt. Our Militia mett better then I expeeted they wold haue done for the first time, and the Leard of Lie very fine in tuo led horses full of ribons, as if he had been riding the parliament, which I hope the Councell shall get an aecount of, that his zeall for the Kings service may be again recomended. He proposed in our meeting that the offieers might haue pouer to call the troops together, when they thought it conuenient for the Kings service, which wee thought not in our pouer, the aet of parliament haueing limit the days of rendeuos; so if your lords of the councell are pleased to grant it, no doubt he will haue them well disiplined, and you must haue a horse allways ready in your lands in Crafurd, for that was another desire of his, thatt all the Militia horse might constantly reside in the plae they wer put out, for els the Kings service wold be disappointed when he had them to call out. This and seuerall other propositions not worth

your trouble here, I doubt not will be represented in Councill. My wife has her most humble service presented to you, and I expect your neues, who am most affectionatly yours. Adieu.

For the Marquis of Quensberry, Lord High Treasurer of Scotland.

182. Had received a tersel—repairs on Lodging in Holyroodhouse—requests the gift of Monkland's forfeiture.

Hamilton, 14 August [1683].

Yeasterday I received your Lordships of the 11th with the tersell you apointed Posso to send me, for which I thanke you; and if he proue a good one you shall have him for the King, or any other I haue, which at present are not fitt to be sent. My wife thanks your lordship for ordering that reparation she desires in our lodgings in Holyroodhouse. If materials wer provided and layed to the place, I thinke I could get massons and wrights to vndertake the work; but these being to be provided, and workmen here being unknouen how to provide such materials there, it is not to be expected they will undertake that worke, especially it being so small a piece of work. So your Lordship must lay it on James Smith to see it done, who is fittest, since you employ him in other things about the Kings house, and all is to be looked to is to see it will be done for that price. I told you all I knew of Sir G[eorge] L[ockhart] medling in any thing betwixt the Chancelor and me, and I am confident what you haue heard is but storys, for I haue heard nothing of Sir G[eorge] L[ockhart] goeing up to court. If he has not other bussines nor what concerns me, it will not be worth his pains. I haue had a letter from my son, telling that our bussines as to the gift of Monklands forfeitir lays onely at your door; for both King and Duke has told him it was at your desire they promised it to Lundie, so I hope you haue write in our behalf, at least in so far as the soumes in our proceses comes to, that wee be not put to the trouble to debate our interrest with the Kings donator; and tho wee got the gift of the barony of Monkland, which wee dispoled to him, being but about 3,000 marks by year, and will be litle more worth then our clames againtest him, I thinke needs be grudged by none as an extraordinare fauer; and I hope you haue spoke to Lundy and disingadged yourself in so far, since you knew not our interrest in that estat, when you ingadged for him, and that you will interpose with the Duke it be given to my son, which all of us shall ouen as a fauer from you; and it will looke very unkind, iff you refuis this, and our enemys will take advantage of it, and indevor to make ill uses of it. So again I intreat you lett my son see you will be friendly to our famely in it. Both secritates haue seen our caice and is friendly to it, so iff it miscary, it will lay onely at your doore. I haue ordered James Johnston to show you our proceses and the grounds of it, and the copy of the paper wee sent up, by which you will see our clame is founded upon very just grounds, so that I needed not fear our plea, iff wee had to do onely with Monkland. But in any thing wherin the King has a concern I desirc not to be heard to debate againtest it, which you onely can prevent—so leaues it with yow, and doubts not of your kindnes, who am very sincerely and really yours.

183. The affair of Munkland—his house in Avendale—irregularities of Captain Meldrum.

Hamilton, 17 October [1683].

Albeit the affaire of Munkland be but ill adjusted betwixt my son and the treasurer deput, yet I shall not trouble your lordship with any thing about it, till I haue the honor to see you at Edinburgh, hoping

then to find your fauer that my wifes famely shall not suffer for Munklands falt, espeially since the occasion of it was her famelys forfeit for his Majestie. When I was at Edinburgh, there was litle done in that reparation your Lordship ordored James Smith to do in these lodgings I posses; but I hear it is goeing on now, and I doubt not but that apartment will be found so much the better that there will be no reason to grudge the expence, if the workmen do their dutie. I was lately at my house in Avendale, where I was not this 6 year befor, and found it in a much worse condition then I expeeted. I have ordered some reparation of the roofe, but I am affreyed ether that, or what you thinke to bestow on it for the convenieney of a garrison, will hardly be gote done befor the spring. I hear Captain Clelands troope is to be there this weeke, wher I thinke they may lay in the toun with as litle hasard as they did in Douglas. Meldrum has been in this countrey some weeks past, and they say his bussines is some ordors from your lordship. He has eomitted severall irregularities, whieh when I did aequant himself of them, I mett with searee civill returns. I should haue expeeted, haueing the honor to be a privie counsellor and shirriffe of the shire, befor any had aeted within my jurisdicitions, to have been aequanted with it, and I should have been ready to have given my eoneurranee, that his Majesties service might have been done and the countrey not so much abused as they haue been by him. The particulares I shall not trouble your Lordship with till meeting, whieh I intend shall be in November next; and untill then, if your Lordship will be pleased to reeall him, it will put a stop to abusses comitted and shall be no prejudicee to the serviee you haue trusted him with, and so frie this countrey of many opressions committed. I return my thanks for the fauer of seeing your son in passing, and from my eldest son I did hear of your sons aryvall at London, whom he commends extreamly. My most humble serviee to my sister, and my wifes to you both; so, adieu hartely.

184. Health of the Earl of Nithsdale—new donator to forfeited estates.

[e. 1683]?

I received your Lordships and heard also more fully from James Johnston as to those particulares you spoke of to him. I am sory to hear that Earl Nithsdales health is so dangerous, and I wish his famely very well, but untill I be fully extricat of Earl Anandales tutory I will not easely ingadge in another. I did see the new trust given to your donator; iff Dumfries shire wer in it also, I doubt not but you wold haue my thoughts of it. Iff your pouer in the gouernment wer as litle as mine, I am apt to think that his task will be much more to find out rebels then looke after those already forfeit; for I am sure some that are so are not so much as inquired after by him, whieh I told him: I shall be glade to hear you are well reeovered of the indisposition you last mentioned, and my wife and my daughter remembers there most humble serviee to you and all of us to my sister; so, adieu.

Tell Drumfries I find his charity as litle as his other devotions, and that my wife desires to know what he means by biteh foxes it being a new word to her.

For the Marquis of Queensbery, Lord High Treasurer of Scotland.

185. Disadvantages of pressing the Test.

Glasgow, 8 October 1684.

Your Lordship has so full aeeounts of our proeceedings by our jurnalls and letters that I can ad litle to it. Our gentry has been very franke in

their offers, thinking there was no more to be sayed; but now hearing the Test is to be put to them makes some I belieue repent what they have done. There is days also apointed for our small heritors, who are very numerous in this shire, to come in and take the Test, and I wish there be not to many that refusises it. However, since its thought fitt that the parsons be knouen that refusises it, and great marks of distinction put on them, I haue no more to say but my ouen fears that there may be more disadvantage then advantage in pressing of it so uneverally at this time; for many that wold very heartely concurred to reduceing the people to ordor and conformitty, and seasing of the rebells and fugitiues, has now nothing under their ouen prospect but suffering on the head of the Test; but since your Lordships in the government has thought it fitt for his Majesties service, my indevores to concurr therin shall not be wanting, as they shall on all occasions be to expres that I am, my Lord, your Lordships most humble servant and affectionate brother,

Hamilton.

186. More had taken the Test than he expected—prisons full of small heritors—rumour of a conventicle at Crawford—Lists of commons not keeping the church.

Hamilton, 20 October [c. 1684].

I come here on Saturday and am to return tomorrow, the other tuo lords being to dine this day at Halket. I received the honor of your Lordships of the 12 and did not thinke it necessare to trouble you untill your return from Wigtown; nor shall I trouble you with particulare account of our transactions, since I know my Lord Secretare will do itt fully, whoes dilligence and indefatigable pains is to be admired. I will not debate with your Lordship what cuntries has been most gilty or arc ablest or least able to glie. I am sure I can say, I and my interrest has suffered most, and are like to do so still; however, iff wee haue come short as to our purse, wee have out done all in our undertakeings, and I wish wee may be able to perform. More has taken the test then I thought wold; there is no considerable persons has refusised it in this shire but such as you know. Our bond considerable heritors apprehends the danger of much, tho in obedience most has aduentured on itt, trusting rather to the discretion of the government then give present offence, and indanger imprissonment by the refuissing, for none refusises both bond and test, but to prisson they most go; and on Saturday all our prissons wer full, generally of the small heritors, and beeause severall of Evandale little heritors did not appear they wer fined in 100lb. scots a peice, and a party of dragoons sent to quarter on them untill they eated up the fines, and sent the persons prissoners to Glasgow. I confes I did differ with this maner of bringing in the fines. I am very sencable of the toill your Lordship is at that has such journeys in this ill weather to make; and I assure you iff I had not thought it my duty to serue his Majestie, no other consideration should ingadged me to this trouble considering my circumstancess which I will not trouble you with in this. Beside I shuld haue been at a course of phisike sent me by Doctor Short, which this bussines has forced me to delay, but if wee come not to an end this weeke, I must for this reason excuse myself from longer attendance. This morning I had a letter from the Secretare with an account of a Conventikle that hath been given notice of by some from the Sanquer, to have been keeped on Wednesday last on the march betwixt that parish and Crafurd, where they write that there was 300 well armed men, and a party of Dragoons are sent to Crafurd and Crafurdjohn to looke after them, the same information bearing they wer comed into that countrey: wherenpon I

ordered our militia and the gentry and people of that countrey to conveen, and to do all they could in obedience to the laws and proclamations. Since the march of the dragoons and these ordors given, Gilkersleugh, Litlgill, Alershaw has been with me, and tells me that they drew together on Fryday night and severall of my tenants with them, and made all the search they could, and in Crafurdjohn they could hear tell of none ; and in Crafurd all they could hear was that on Thursday or Fryday morning 7 in arms come to a roome of Hoptons called Pedwan, and stayed a while, and tooke meat and drinke. This far I thought fit to give your Lordship an account of, and when the parties returns and heritors of these parishes comes befor us, you will no doubt get from us a more full account of this matter. My tenants in Crafurd thinks it is a hard caice for them to be called out to take these rogues, and not suffered to cary their arms to defend themselues ; and our people in this countrey are in such disorder and consternation, there being (beside heritors apearing befor us) many hundreds of the commons for not keeping the church given up by their ministers, and who generally say, tho they could not depon they had kepted church in strict tearms of the law, yet they had frequently done it, and was willing to haue ingaged to their ministers to have kepted it in the futture as much as they could. I confes I wold gladly had commissions sent to the seuerall parishes to haue taken these ingadgments to sauad the poore people the pains of comeing to Glasgow, but it was not judged fitt. So by these things wee shall have ill payed rents this year, but if it proue an advantage to the Kings service, none shall les grudge at that then, my Lord, your Lordships most humble servant and most affectionate brother

Hamilton.

187. The Cess granted at Glasgow for Lanarkshire—taking of the Test.—His house in Crawford not fit for a garrison.—His daughter Susan to be married to Lord Cochran.

Hamilton, 3 Nov. 1864.

This night I received the honor of your Lordships by this bearer, Doctor Fall, by whom I need say little since he can giue you so full an account of all our proceedings at Glasgow, and how wee parted, and with whom I have used some freedom to safe you the trouble of a longer letter. If the shire of Airs offer as to the cess be more then ours, wee I thinke are more then severall others, and I am sure as much as wee are able to bear, at least as I am able to bear, and have withall to intertain my famely, considering the other inconveniences has fallen on my estat, and still lyes on itt, which your lordship shall know more fully at meeting. There was some noise indead amongst us about some vassalls of mine in Evandale that did not appear at first, and for there not apearing they wer fined in 100^{lb.} a peice, and a troop sent to eat it up, if they did not appear; and most did appear, and wer such as wer not worth the 100lb., being heritors onely of houses in the toun of Straven, and most of them beggers ; and I heard of feu others of my vassalls that wer absent, and most of them in Lesmahagow tooke the test. I haue not yet heard what Drumfries shire has given of cess. The way your lordship has taken as to the binding them to acquies to what the councill shall thinke just and practicable for their orderly and regular leiveing is much the best, and is what I wold gladly had done ; and I wish with all my heart that some cess and bonds was that which was intended ; that on form and the same quantity of cess had been given in the instructions, which wold haue prevented much trouble wee have mett with and may meeet with hereafter. And for my part, untill I heard it pressed at Glasgow, I did not understand any such things was to be done,

since they wer not in the Kings instructions, by which I was put to some deficulties, not knoueing what your lordship and others intended. · But this affaire was so quikly pressed, to giue good example to others, as was thought, that to have put any demurr in itt onc should have been judged a great encmy to the King and the Government, which I hope neuer to do any thing may give any ground to thinke so of me. I am sory you should be so far misinformed as to Crafurd, for I haue taken all the pains I could to try iff any of my tenants there had resett any of these rogues, and I cannot find that on was rcsset by ony of them ; but to the contrare aboue 20 of them did rise with Litlgill and some of the melitia in search of them. And after all the tryell was made, both by a party of dragoons and the melitia, and seuerall prisoners broght doun to Glasgow, all that was fund was the day after their mceting 8 of them stayed in Pedwan and 3 in Glengonar a part of a night, which lands you know are Hoptons and the tenants in these rooms tooke the test befor us, and wer so ingenous in the eonfessions that they wer scat at liberty. So I beseeeli your lordship be not sudden in resloveing on a garison there, for I can not agrie to on in my house ; and iff there be an necessity for it (which I do not see) other houses may be found more fitt, as you shall know at meeting. I was sory to hear of Earl Cassillis unhappienes. He has neuer favored me this seuerall years with much of his corrospondance, so I medle litle in his affairs; but I hear his wife and all his other friends are very sencable of your kindnes to him, and my wife particularly is so, who has her humble service remembered to your lordship and both of us to my sister, and I am, with great reality, my lord, your lordships most humble servant and most affectionate brother.

Hamilton.

My daughter Susann is to be maried on my Lord Cochran the 13 instant, at which wee shall drinke your health ; and I hope, iff I do not waite on you till after Crisstenmasse, you will excuse itt.

188. Horrid murder at Swine Abbey—for garrisons in moorish places.

Hamilton, 28 November [1684].

I am glade to hear your lordship is safe aryued at Edinburgh, and I hope you will excuse me if I do not waite on you there till January ; my affaires here is in so much disorder, and mony so ill to be raised amongst my tenants, that I can not well leave this plaece sooner. People here abouts are much alarmed since the hearing of that horride murder at Suine Abbay, and they say the fugitives has been seen more publickly in the remote plaees of this shire since the forces went out of itt then befor. Where euer I heard of any, I sent and made search for the resetters and has scuerall prisoners. As I write to Generall Dalyell and now to the Chancelor, without placeing small garrisons in the moorish places of the countrey, it will be hard to catch or banish these rogues or find out their resetters ; and for my house of Crafurd, iff there be not other houses in that parish more fitt, now that the on half of it is unvaulted, I am much mistaken. Howeuer, it and all I have shall still be ready at the Kings service, who am very sincerely, my lord, your lordships most affectionate brother and most humble servant,

Hamilton.

189. Wishes him joy on his new title of honour—rebels tilling a room at Lesmahagow—garrison at Crawford—John Lukprivike, the fowler, caught.

Hamilton, 7 December [1684].

Giue me leauue first to wish your Grace much joy of the new title of honor the King has bestowed on you. I receiued this day yours. I do

not hear the rebels are come to that boldnes to take horses in this countrey; but last weeke I had notice that 3 or 4 of them come to a roome of mine in Lesmahagow, called Underbank, (out of which I had ejected a widow, and taken her and most of her famely and caryed them to Glasgow, where they wer banished) and tilled for some houres; and so frighted a new tenant I had got to haue gone to itt, that it will lay wast this year; and my servants haveing no mindc to go to take fitt tryell of the resetters or assisters without force, there being none then in this countrey, I ordered my sons militia troop to meet here tomorrow to haue gone about it, that I might haue given the councill a full account of the matter; but hearing this day from Lt. Generall Drumond from Lanark, I haue sent him the depositions I had ordered to be taken in that bussines, to putt it to further tryell, who no doubt will giue you a full account of itt. He sent me the councill's letter, in obedience wherto I have apointed a mceting of the shirc herc on Thursday nixt, and shall report there answer and do all I can for setling the garisons, so as they may be servicable to the King in secureing the peace of the countrey, and without putting us to more charge, which I hope is not expected, since for this end wee gaue the last cess at Glasgow. As to my house of Crafurd, forrage will be as ill had there as ether Newton or Leadhill, for it must be broght from other parts to what euer place they lay in that parish; but I am sure foot wold do more service amongst these hills then horse can. But iff no place can serue the turn but Crafurd, I shall ordor some litle furnitur and matterials I had provided for further reparation of that house to be removed; and I might haue saued 2 or 3 hunder pound sterlinc I haue of late bestoued on itt, and it wold haue been better for a garison of horse as it was, there being much les roome for stabling now in itt; and since it seams your Grace has so good accounts of the disaffectednes of that place, I beg you wold ordor your informers to giue me particulare notice iff any of my tenants be guilty; for I haue giuen all the strict ordor I can to my servant thare, and he informs me I haue not one disaffected or disorderly parson in that parish, and the minister giues me the same account; and iff it be well considered, there will be found neigbouring parishes as ill and houses in them as fitt for a garison. But I ask your Graces pardon for this long trouble on the subject, and am very sencable of the kind expressions in your letter, and shall indevore on all occasions to giue you all the just returns in the pouer of, your Graces most affectionate brother and most humble servant,

Hamilton.

My wife returns her most humble service to your Grace and also wishes you joy, and will be glade to hear my sister is well and safe come to Edinburgh.

Tuo days ago young John Lukpirike, the fouler, being seen here with a gun, and neuer befor since he was at the rebellion, and being without a pass, I caused securr him. He pretends he come to get his gun mended here, and that he has made his peace, and has a warrant from a servant of yours to cary it; so giue your directions as to him.

190. Found a cave with bed in it in Lesmahagow—garrison should be placed near Muirkirk.

Hamilton, 16 December 1684.

In my last I gave your Grace an account of one of the rebels haveing ploughed for some hours in a roome of mine, that I had turned out his mother, since which time I have used my uttmest indeuores to haue catched him; but it is not easy to be done by servants or militia men,

which are all the toolls I haue to worke by. Houver, I made so narrow a search that I found out a cave near that place where it seams some of the rebells used to shelter in; it had a bed in itt and could hold foure. There was found some bed clothes and wearing cloths and some other trash, and a bundle of papers, which I haue sent herewith, and this inclosed paper was amongst the rest which seams worth your Graces ouen reading. I doubt not but you do me the jnstice to belieue that there is nothing in my pouer that I will not do that is for his Majesties service, and the peace and quiet of the goverment; and I thinke I may without vanety pretend to know what is fittest for that end to be done in this shire; and yon know I proposed the placeing of some garisons, and particularly at Avendale, as the fittest place in all this shire, and it seams hard that the shire shall be at the charge of providing a garrison where it is not att all usefull for the security of the countrey as that of Crafurd, being within a feu miles of Leadhill garison, and remote from all the places of greatest danger in this countrey. Therefor allow me to desire your Grace to reconsider itt, and iff you thinke not Avendale fitt, I shall propose the Hiselside, a place much fitter then Crafurd, for to hold a garison of 25 dragoons and 12 foot. It lyes as near the heads of your countrey, to scour the feilds, and lyes you know within a feu miles of the Muirkirk and those heads that goes into Galloway, and which is near the worst places of this shire, Aire, and your shire, where you know there meets a great tract of hills at Carnable, that runs in to Galloway, about which are the most disaffected people in the kingdome. When you consider this, I doubt not but you will prevail with the Councill to alter that of Crafurd, and I haue write to my Lord Chancelor, who I hope will be convinced of the reasonablnes of the desirre, if your Grace is pleased to communicate the reasons offered to yon by, your Graces most affectionate brother and most humble servant,

Hamilton.

I haue write to my brother, Dumbarton, to know at the Duke what lodgings he can spare, and then he may command any in my pouer.

191. Would trouble no more about the garrison at Crawford—could not attend the Council on Tuesday.

Hamilton, 28 December [16]84.

I received the honour of your Graces of the 20. I shall not trouble you no more concerning that garison of Crafurd. Iff my health had not been so ill that last weeke I was forced to lett blood, I should have obeyed the Chancelor letter in being at the councell on Tuesday, tho it seams by your Grace that the bussines is not so urgent, that it needed a letter under such a certifcation. Honever, as soon as I am able, I shall make all the hast I can there, and in the meantime wish your Grace a happy New Year. My wife presents her humble service to your Grace, and both of us to my sister and am sory to hear she continueus ill, who am with great sincerity, your Graces most affectionate brother and most hnmble servant,

Hamilton.

For his Grace the Duke of Queensbery, Lord High Treasurer of Scotland.

192. Bad state of his health.

Kinneill, 13 January [c. 1685].

I received the honor of your Graces letter from Doctor Fall at Glasgow. Being in a day or tuo resolued to waite on you, I shall

onely in this return my humble thanks for your kind concern in my health, which I find yet not good; so makes slouer journeys then I intended, who am with great sincerity, your Graces most affectionate brother and most humble servant,

Hamilton.

My wife has her most humble service presented to your Grace and both of us to my sister, who I hope by this time is recovered.

For his Grace the Duke of Queensbery, Lord High Treasurer of Scotland.

193. Was going to Tunbridge Wells—afflicted with the gravel.

London, 11 July 1685.

If I could have write any thing worth your Graces trouble, I had not been so long silent; nor had I now adventured on itt, had not my son, Aran, told me you expected to hear from me. The neues wee have here I know your Grace has them from better hands, and for bussincs I nether know them nor medles in them; and as to my ouen litle privat concerns, I have given his Majestie litle trouble in them, nor intends it not vntill my return from Tunbridge, where I go nixt weeke to drinke the watters. Since I come here I have been much troubled with fitts of the gravell, a disease I neuer had or feared befor; and in this 2^d fitt I haue had of itt I haue been under much pain vntill I passed a stou. Your Grace will pardon that I trouble you with such stufte, but that you are pleased to concern your self in me, gives me the confidence to do itt, and to assure your Grace I shall be very fixed to what was sayed to you att parting by your Graces most humble and faithfull servant and most affectionate brother,

Hamilton.

My wife has her humble service remembered to your Grace and both of us to my sister.

SECTION III. Thirty seven Letters from Captain John Grahame of Claverhouse, afterwards Viscount Dundee, to William first Marquis and first Duke of Queensberry. 1682-1685.

194. Details his proceedings and proposes a garrison at Kenmure—informs on Lord Kenmure for conversing with rebels—his plans to ruin the ‘rebels’—forfeitures for payment of expenses.

Newton of Galoway, February the 16, 1682.

My Lord, I hope you will pardon me that you have not heared from me till nou. I send your Lordship here inclosed a copy of what I have wryten to the generall, which is the first account I have given to any body of my concern in this contry. I shall not need say any thing of the general of affairs here, having, may be, given but too long ane account alraidy; however, I thought better say mor then anogh then omit any thing should be sayd. As I came from Stranraur about Glenluse, I maite with Castlesteuart and his brother, to whom I gave all the assurance imaginable of my caire of their concerns, as I did to my Lord Galoua, whom I had the honor to see at his owen house; and loot them knou that it was particularly recommended to me by your Lordship; they seemed very sensible of your faveur and satisfyed with it. I had the good fortun to see Bruchten, Baldun and Ylle, who offer their assistance in all may concern the King’s service. When I was at Dumfries

severall of your Lordshiep's friends did c the faveur to see me and asseur me upon your Lordships acount of their friendship. I waited on my Lord Nidsdell and wee have esteblished a corespondence. Stenes did me the faveur to call here yesterday as he went to see som of his relations. He told me Craigdaloch and Maxwelltoun and severall others waited at Maxiltoun for me, thinking I would pass that way, so that I am here resolved to lieve in perfait friendship with all that ar your friends ; and I must acknouledge I fynd them extreainly disposed to it ; which I atribut to your Lordship's influence. I was last night to wait on my Laidy Kenmur, my Lord being from hom, who she said kneu nothing of my coming. I told her what peins your Lordship had been at to keep her house from being a garison, and she seemed very sensiblc of it. I am sorry that I must acquaint you, but I shall doe it to no body els, that I am certenly informed my Lord Kenmur has conversed frequently with rebelles, particularly Barskob. As to the Treasury Comission, I fear I shall not be able to doe what I could wish because of the season, for of their corn and straw their is not much left, and their beasts this tyme of the year ar not worth the dryving. The rebelles have lieved, I fynd, peacably here till nou and their wifes ar still in their houses, and takes it worse nou then they would have don at first to be ruined ; for then they expectcd it, and nou after so long forbearance they wer becom secur. The contry here abouts is in great dreed. Upon our marche yesterday most men wer flaid not knouing against whom we desseined ; but the act of counsell about the saif conduct amuses many, and will be of use to make them mor unexcusable in the eyes of the people, if they make not use of it, which I am feared feu will doe. My humble opinion is, that it should be unlawfull for the donators to compound with any body for the behoof of the rebell, till once he have made his peace ; for I would have all footing in this contry taken from them that will stand out. And for the securing the rents to the donators and the King, it is absolutly necessary their be a fixt garison in Kenmur instead of Dumfries ; for without it I am nou fully convinced wee can never secur the peace of this contry, nor hunt those rogues from their hants. It is a mighty strong pleacc and propc above all ever I sau | for this use. I shall give this advise to no body but your self, and I doe it the mor friely that my Laidy told me, if the King would bestou two or three hondred pounds to repair the house, she would be very well pleased his souldiers came to lieve in it. Doe in it as you think best ; but if it could be don with their satisfaction, it would be great service to the King ; for having that post seur I might with the pairty I have answer for the rest. I have taken out the half of Captain Strachans pairty from Dumfries, not seing what they ar good for their, unless it be to lay secur and doe nothing. I sent yesterday tuo pairtys in search of those men your Lordship gave me a list of; on of them to a buriall in the Glencairn, the other to the fair at Thornhill ; neither of them are yet returned ; but Stenes tells me that the pairty at the buriall miscaried ; that he pointed to them on of the men, and they took another for him, tho I had choysed a man to comand the pairty that was born their about. They shall not stay in this contry but I shall have them. The first thing I mynd to doe is to fall to work with all that have been in the rebellion, or accessory their too by giving men, mony or armes ; and nixt recetts, and after, field conventicles ; for what remains of the lawes against the fanatiks, I will thrcaten much, but forbear sever excicution for a whyll, for fear people should grou desperat and increase too much the number of our enimys. My Lord, their is on faveur I must deseir of you and I believe when I have got it I will not by land with it ; which is, that your Lordship would

be pleased to consider, that having business in so many places and with so many people, I will be put to great expence; and there is no doing business without being open handed; so would desyr your Lordship would speak to the Deuk and represent the thing to the Lords of the Treasury, that I may have the gift of any that ar not yet forfited that I ean fynd probation against. I mean only of their movables; and shall with it suport all the expenee of the goverment, as mantinence of prisoners, witness, speys, and all other expence necessary in this contry; for your Lordship would lait them knou that I have many things to doe extrinsik to the office of an offeir. Your Lordship will doe me ane other faveur, which is, that the Lords of the Treasury lait me not suffer in my absenee, that I be payed the three moneths pay we ar in areer. I would not, my Lord, take this friedom if you had not aloued me to doe it. If there be any thing you would have me to doe, or any thing I doe amiss, you will doe me great kyndness to tell me. I shall wryt often and much. I am, my Lord, your most faithfull servant,

J. Grahame.

195. Congratulation on new title of Marquis of Queensberry—A letter from Lag—He had seized Williamson of Over Caitloch, &c.

Dumfries, February the 22, 1682.

My Lord, There is no body has mor raison then I to rejoysie in evry thing that contributs to your Lordships honor and greatness; and I ean not forbear to congratulat this leat marke of faveur the King has put upon you, and perswade my self he will not stop there. I wish he may always confer his honors on such persons as your Lordship, whose merit and fortun will addelustre to that dignity.

My Lord, I had a lettre from Lague by your Lordships eomand, wherin he told me the Deuk compleanned I had been so long a wryting. I sent ane express on Friedy morning with lettres to your Lordship; nor eould I wryt sooner, for it would have been to no purpose to doe it befor I eam to Straurawe, and from thence I could not have given any acount of the contry; beseids, I marched hither almost as fast as any body I eould have sent; so I hop he will [not] atribut it to neglect in me. The other pairt of Lagues lettre was for remouving the garison from this; which I should imediately doe, wer it not that I perswad my self that your Lordship will think better, what I am to propose; and in the mean tymie the contry suffers no prejudice; for I have discharged calling for any mor locality till I knou your Lordships pleaseur, there being anogh till then. My Lord, your Lordship would see by my letter to the generall hou I have provyded for my pairty, 2 weeks provisions at Stranrau, 3 at Wiguetoun, 3 at Kilkoubrie, 3 at Dumfries, from the ten parishes in the Steuartrie, and 2 at the Neutoun, whieh will serve us till the grass. There remained Captain Strahans troupe to provyd for, and befor I cam hither there was a meeting apointed of the Comissioners, but they mait since. I was not present nor kneu I what they wer to doe but I am informed they have contineued the former raits, whieh wer very raisonable; and apointed a loeality for three seor of horses or mor, as the comanding officer should requyre, to be layd on upon Nidsdeall and Anandell, and that imediately ther should be a moneths provision broght in, which was done by some parishens befor I eame bak or kneu any thing of all this; whieh I see proceeded all from their not knowing my dessein, which I suppose has been the raison why they have addressed themselves to your Lordship, thinking it would fall heavy. My Lord, you would see by my last that I remouved the half of the garison then. I purpose not to keep any here but twenty, and that

provision, which was layd on for on month for thriescor of horse will serve twenty horse for three moneths ; so that wee need no mor from this contry but that on moneth for threescor of hors ; and they have not furnished any befor. I am informed it will be hardly worth the noticing. If you doe not aprove of this, lait me knou, and I shall imediatly remove them, but I will have difficulty to reach with partys this contry from Kilkoubrie ; beseids the generall will be mad. My Lord, I caused sease on on in your Lordships list at the Thornhill hill fair called Williamson of Overcaitloch. He is a tenent of Craiguedallochs, who has wryten to sett him at liberty upon his promise to pro-dnce him, which I bygued his pardon for, till I should hear from your Lordship. My Lord, you desyr by your memorandum that I should send to Edinbourg any of those persons I take. I can doe any thing with them your Lordship pleases here, by vertue of my Comission ; but lait me knou if you dessein to have them there it shall be don. I have spok with most paift of the forfited heritors wyfes at their owen houses, bnt sce litle inclination in them to compound with the donators, or mak their peace with the King, save only Machremors brother. I have so far prefered the publik concern to my owen, that I have not so much as called at Freuch, tho I passed in sight of it. I can catch no body, they are all so alarumed. My Lord Deuk Hamilton was pleased to tell me befor I paifted, that I would doe well to lay closs in houses, for he would make it so uneasy for the Whiggs to lieve in the West, that, he would send them all in to me; but by what I see yet, I send mor in on him then he does on me. My Lord, I have a proposition to make which would secur the peace bothi of the West and this contry, and I am perswaded will seem raisonable to your Lordship, and I wonder no body has thoght on it yet ; but I will say nothing till I have put things to som order here, and I will bygue lieve for three or four days to com to Edinbourg and give you ane acount of it. My Lord, be pleased to lait me knou if your Lordship desseined by your desiring I should doe nothing herc till you com, that I should not medle with rebels and recetts, or only the lawes against fanatiques. I hop your Lordship has mynded me for the movobilles of any ar not yet forfited. If I give you the trouble of long letters, remember your comands at paifting to your Lordships most humble and faithfull servant,

J. Grahame.

Since the writing of my letter the provist of Wiguetoun cam to me and compleaned of my Lord Kenmores deforcing a messenger first ; and then the second tym his factor robed the messenger, and would force him to swear he should not reveal that he had taken the letters from him. This is a hygh misdemeanour, and it is fit your Lordship make him sensible ; for this and other things might haip to ruin a man had no friends. Your Lordship may see by this hon necessary a constant force is here for the excieution of the lawes in ordinary cases betuixt man and man, lait be in the concerns of the goverment.

196. Lord Kenmure not unworthy of his protection—His address to the people in church—thinks he could get the people to go to church—project for raising a new troop by selling the Bass, as there is nobody to guard there, only “Solen geesc” and ministers.

Neuton of Galouay, the 1 of March 1682.

My Lord, I received your Lordships of the 21 at Kilkoubrie on the 26, and the other of the 25 I received just nou, and am very sensible of your Lordships care of the publik concern, and goodness to me in giving me so particular and exact returns, which others neglect to doe, and

especially my good friend, the Advocat, who wreats to me very kyndly ;
 but very litle in return of any thing I desyr of him ; but I knou he
 ordinarily loses the letter, and forgats the business befor he have the
 tyme to make any return. My Lord, I am very happy the Deuk is
 pleased with my procedeours. I knou much will depend upon your Lord-
 ships testimony. I shall be carfull of all your Lordship recomends to
 me in your letters. For my Lord Kenmur, I have taken information of
 his business, and he will not be as yet onworthy of your protection, as
 my brother will tell you, and as you will see by my letter to the generall ;
 so I need not trouble your Lordship with any particulars. I wish the
 Gordons here wer transplanted to the north, and excheanged with ane
 other branch of that family, who ar so very loyall there and so disaffected
 here. Mr. Alexander is here and I shall follow his advyse : that
 gentleman in the Glencairn shall have the honor of frequent visits, and
 all other faveur I can shou him. Craigdallochs man upon his letter,
 which I have recaived, I shall lait ut upon caution, and all other things
 in either of your letters I shall faithfully observe. The proposal I wrot
 to your Lordship of, for securing the peace I am seur will please in all
 things, but on, that it will be som what out of the Kings pokett. The
 way that I see taken in other places is to put lawes severly against great
 and small in excicution ; which is vry just : but what effects does that
 produce, but mor to exasperat and alienat the hearts of the wholl body of
 the people ; for it renders three desperat wher it gains on ; and your
 Lordship knous that in the greatest crymes it is thoght wyse[s]t to
 pardon the multitud and punish the ringleaders, wher the number of the
 guilty is great, as in this case of wholl contrys. Wherfor I have taken
 ane other cours here. I have called two or three parishes togither at on
 church, and after intimating to them the pouer I have, I raid them a
 libell narating all the acts of parlement against the fanatiks, wherby I
 made them sensible hou much they wer in the Kings reverence, and
 asscured them he was relenting nothing of his former severity
 against dissenters, nor care of mantaining the esteblished goverment, as
 they might see by his doubling ths fynes in the late Act of Parlement ;
 and, in end, told them that the King had no dessein to ruin any of his
 subjects he could recleam, nor I to inrich my self by their crymes, and
 therfor any who would resolve to conform and lieve regularly might
 expect faveur, excepting only recetters and ringleaders. Upon this on
 Sonday last their was about three hondred people at Kilkoubrie church :
 som that for seven year befor had never been there. So that I doe
 expect, that with in a short tyme, I could bring tuo pairs of three to the
 church. But when I have don that, it is all to no purpose ; for we will
 be no sooner gon but in eoms there ministers, and all repents and fall
 bak to ther old ways ; so that it is in vain to think of any settlement here,
 without a constant force pleased in garison ; and this is the opinion of
 all the honest men here, and their desein ; for there ar som of them, doe
 what they lyk, they cannot keep the preachers from their houses in their
 absence : So made ar som of their wyfes. So the thing I would pro-
 pose for remedie for all this, is, that their be a hondred dragoons
 reased for this contry. The King may give maintenence to the men
 and the contry to the horses ; which I shall answer for they shall
 doe, because they or all in our reverence ; and is it raisonable
 that this contry should be at less expence then other well affected
 pairs of the kingdom ? Doe not we pay the suply for there follys ?
 Have we not mor then they the expense of the militia ? Their disaffec-
 tion is a good raison why they should have less trust, but their trouble
 and expense should be equall to ours ; so when the Steuartry and shyr
 of Galoua giue maintenance to a hondred horses, which is the on half of

the wholl expence of the troupe they ar but equall with others, considering their want of militia and their disorders; and if the King will doe his paire, I shall undertake for the eontry as a Galoua Laird. The ways I will propose will lessen the expence extreamly; first, if the Deuk pleases, I offer myself to take the surintendeney of them with out any pay; and for the nixt officer who is to be the drudge, he may have six pounds a day by taking tuo men of evry on of our troupes of horse. We wer sixty and ther is on taken of for the artilleri, so there nou^t remains 59 which does not well: but if these 2 were taken of, we would be just the establishment of Holland which is 57, and with the corporalls in rank as they ought to be maks just 20 in each rank, which is right. For the cornet, I must be excused if I propose to destroy a goverment was made for the governors cause. I think the pay would be as well bestoued this way, seing he has no body to gaird but solen geese and ministers; the first will not flee away, and the others would be as well in Blakness or Dumbarton. Nou for the hondred men at sixpenee a day, I would first mak use of the four and twenty ar in the Bass, remains 76 which would amount to about seven hondred pounds a year; and for that your Lordships of the Treasury might fynd a way to eut of som ydle pension, and I hear my Lord Neuark is dead, which is four of it; and if it could be got no where els, it were better sell that rok, and the money of it would serve both here and in the West, for I could undertake the same thing might be don there. I will asseur you there has been no mor faisable project, tho I say it myself; for, first, it would seeur this eontry, then if those of the West wer frustrat of this retreat, they would be easilyer found. Then this might in all occasions be a brave troupe of fuseliers or granadiers, when iff euer the King had oecasion; for I should bread them to either or both, as the Deuk had a mynd; and I would desyr lieve to drawe out of the tuo regiments a hondred of the best musketiers had served abroad, and I should take horses here amongst the suffering siners; and J will take the liberty to say, that what ever way be taken to doe it, we need we need mor horse and dragoons. If this doe not, I may brake my head to no purpose; for I knou after that no other way but to doe as others, and gate as mueh mony as I can, which I have not thoght on as yet, by puting the lawes in exeieution. I desyr, if your Lordship lyk it, you may late the Deuk hear it, as I propose it, and speak the Generall, and the Advoeat, and my Lord President, and the Register about it. I am, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

197. Wishes to make the people secure—Would soon set to work—all who had not left the country should have a test of loyalty &c.
Wigtoun, 5 March 1682.

My Lord, you needs not expeet great things from me on heast as to the seasing any considerable rebelles; for I never mak so much as the least search for them, knouing hou much they ar upon their gaird, if they be not out of the eontry; and by this I desein not to harass the troupes, till I have made them secur. Old Craichley eam yesterday and got a saif conduct for his son and an other heritor called Makgie that has not yet been heard of. Here in the shyr I fynd the lairds all following the exemple of a leat great man, and still a considerable heritor here amongst them, which is, to lieve regularly themselvs, but have their houses constant hants of rebelles and intrecomed persons, and have their childring baptysed by the saim, and then lay all the blem on their wyses, condeming them and swear ng they can not help what is don in their absnee. But I am resolved this gest shall pass no longer here,

for it laghing and fooling the goverment; and it will be mor of consequence to punish on considerable laird then a hondred little bodys. Beseids, it is juster, because these only sin by the exemple of those. I have not fallen yet to work in good earnest in any paire, beeause I thoght best to understand the steat of the contry befor I layed doun my measeurs ; but am now ready to make it in a feu days to goc all of a piece over all this contry. My Lord, therc will [be] a necessity befor I can setle this contry, that I have lieve yet to give the bond to litle people, for there ar a great numbre guilty especially of the second rysing and mustering ; for which your Lordship remembers I was sent hither ; and all people that went not out of the contry, I think there should be som test of loyalty put to them, and so many years rent taken af them ; and then secured of their lyfe and fortune : and if the Counsell thoght fit, with som instructions I might doe this. I forgot to give your Lordship aeount last tyme about the rents of the rebelles. I fynd it the hardest thing in the world to make a rentell of those lands wer never sett ; hou ever I am taking all the peins I can, and in a feu days will be able to give your Lordship acount, but I am informed by all the gentry that it will be as good a way as any to take the valeued rent, and ad som what mor, as a fourt paire, as for exemplell a man of three thousand pounds of valued rentis worth neer seven. In heast, I am, my Lord, your Lordships most humble servant,

J. Grahame.

Wigtoun, March the 5, 1682.

I have again waited on my Lord Galouay, and seen his brothers here ; and Mr. Alexander and I have confered and fynd him very frank.

My Lord, I hear you have taken on Mr. Patrik Verner at Edinbourg, and fearing he might be represented as no dangerous man, I have thoght fit to send your Lordship this information, which may be all proven. I have it from a very worthy man who desyrs not his hand be seen. I have not the tyme to copy it over. I shall say nothing but desyr your Lordship to remember that from sueh men flous all our evills.

To be shoune to the Duke.

198. His tutor, Labé, had taken Drumbui, and "that great villain M^k Clorg," smith at Minnegaf &c. Stranraer, 13 March [c. 1682]?

My Lórd, I am sorry that their eomes such alarums from the West. I can hardly believe that things ar com that lenth yet. I am seur there is not the least appearances here as yet, and if any thing give them couradge it will be the retyring of the forces. I think it is very just we should be on our gaird ; and I am resolved to keep closser, tho I should loss the movibles and take feu prisoners. I was just begining to send out many pairtys, fynding the rebels becom secur and the eountry so quyet in all apearence. I sent out a pairty with my tutor, Labé, three nights agoe. The first night he teuk Drumbui, and on Mklellcn and that great villain M^k Clorg, the smith at Menegaff, that made all the elikys, and after whom the forees has troted so often ; it cost me both paines and mony to knou hou to fynd him. I am resolved to hang him, for it is necessary I make som exemple of severity least rebellion be thoght cheap here. There can not be alyve a mor wiked fellou. The pairty is not yet com bak, which makes me in hopes there is mor taker. I am to meet to morou with all the heritors of this shyr, to see how they ar inclyned as to bringing their people to ehureh and seeuring the peace of the contry, that I may be favorable to them. I fynd it no hard work to eonform this shyr, had I but tyme. anogh ; but I bygue your Lordship to believe there is no fear of this pairty, for tho all

Galoua would ryse I would fynd a way to gett by them. Nou when your Lordship is to see the King and that the state of this contry is to be considered, it wer necessary to lait him knou that we have not forces anogh for all the work we have. It wer no great busness for the King to send as much mony as would mantain fyve or six hondred mor dragoons ; and in tuo or three years this contry I am seur would be broght to forgett all there follys. I knou I need not recomend to your Lordship to doe me good offices about the King and Deuk ; only remember it is inabling to doe you service on, who is so sincerely, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

Stranrau, Mairch the 13.

199. Had come to Edinburgh with Barscob as his prisoner—Queensberry's brother. Edinburgh, 25 March 1682.

My Lord, I have taken the occasion to com hither with Barscob and other prisoners, that I might give acount to the general and those of the goverment of my proceedings ; for I begood to aprchend that in your Lordships absence somi people might take the occasion to misrepresent me. I have informed them fully of all my measurs ; and I am so happy as that they all seem satisfyed, and particularly the generall ; hou long it will be so, God knous. I was very sorry at my aryvall here to fynd your Lordships brother, the Collonell, ingaidded in an unluky business ; but am extreamly pleased that he is nou com af so much to his honor. I shall not give your Lordship the trouble of particulars, but I must say that I was ashamed to sec hou unkynd people wer to him. I have broght in your man, Nilson, who is a great villan, and shall be keeped till your Lordships return. My Lord, believe nothing of any alarums you may gate of rysing, for I dar swear there is no dessein, and the Whigues wer never louer. I must bygue of your Lordship the faveur to doe me what good offices you think propre about the King and Deuk ; in doing of which your Lordship will inable for your service on who is intirly yours, my Lord, your Lordships most humble and faithfull servant.

J. Grahame.

Edinbourg, March the 25, 1682.

200. The country in perfect peace—rebels seized, fled, or making their peace—many conformed—an Indulgence would be mad. Kirkcudbright, 1 April 1682.

My Lord, I am very happy in this business of this contry, and I hop the Deuk will have no raison to bleame your Lordship for advysing him to send the forces hither ; for this contry nou is in parfaite peace. All who wer in the rebellion ar ether seased, gon out of the contry, or treating their peace ; and they have alraidy so conformed as to going to the church that it is beyond my expection. In Dumfries not only almost all the men ar com, but the woemen have given obcdience ; and Earngray, Welshes owen parish, have for the most pairet conformed, and so it is over all the contry ; so that, if I be suffered to stay any tyme here I doe expect to see this the best setled pairet of the kingdom on this seyd Tay ; and if those dragoons wer fixt, which I wrot your Lordship about, I might promise for the continuance of it. Your Lordships friends herc ar very asisting to me in all this work ; and it does not contribut a litle to the progress of it that the world knous I have your Lordships countenance in what I doc. All this is don without having receaved a farthing mony, ether in Nidsdell, Anandell or

Kilkoubrie, or impresoned any body ; but in end there will be need to make examples of the stubborn that will not complay ; nor will there be any denger in this after we have gaiued the great body of the people, to whom I am becom acceptable anogh having passed all bygons upon bonds of regular cariadage hereafter. Your deputys wer lyk to have taken measurs that wer not so secur nor exceptable ; but I have diverted them, and they ar to take the course I doe, and I have prevented all other jurisdictions by attaching first. My Lord, we hear noyse here of ane Iudulgence. I hop no body is so mad as to advyse it ; but Lord Tuedell could not goe up but it would be thought ane Indulgence would com down with him. The mor I consider the business of this contry the mor [I] see hou ill the King has been served. My Lord, you have nou the occasion to put things in the right chanell, and I am perswaded you will make use of it. Barseob is very penitent, and offers if he could gate a remission he would be active and usfull to me in the business of the Glenkens. A word to the King or Deuk would doe the business, but in this doe what your Lordship thinks fit. I have Stenes with me, and we ar about your brother the Colonell business. I can fynd nothing almost of the movibles, for I am uuwilling to devyd in small pairtys, and, beseids, I prefer the setling of the contry. I shall not trouble your Lordship with particulars, because I knou you ar taken up nou with other things. So I am, my Lord, your Lordships most humble and faithfull servant.

J. Grahame.

Kilkoubri, Apryl the 1, 1682.

Since the wryting of this I have been at church, where there was not ten men and not above thretty woemen wanting of all the toun ; where there used to be ten, I sawe six or seven hundred ; and amongst others there was ou Gordon of Barharou, to whom being a rebell heritor I had given save conduct to com and treat his peace apeared in testimony of his sincer conversion.

201. Lists of parishioners read after sermon—Queensberry's bailies—had fixed guilt on almost every man in the shire and stewartry. Moffat, 17 April 1682.

My Lord, All things ar here as I could wish in parfaite peace and very regular. Barharou has assurance of his peace from the Counsell. Bar has given me a declaration under his hand, as full as I could desyr it. I have spok with a brother of Sir Robert Maxwells, who was out, and Little Park and Glenkaird ar in terms with me, and severall others of less not. I must say I never sawe people goe from ou extremity to another mor cavalierly then this people does. We ar nou com to read lists evry Souday after sermon of men and weomen, and we fynd feu absent. Mr. Allexander does very well at Dumfries, but I have heard that the shyr does not conform so well, and I have heared the menisters complean of the baylys of your Lordships regality ; what ground there is for it I can not tell. I told Stenes and offered troupes to bring the people in awe. I have examined every man iu the shyr, and almost all the Steuartry of Galouy, and fixt such a guilt upon them, that they ar absolutly in the Kings reverence, and I shall give them no discharge, would they give me millions, till I have bond from them for their regular cariadage, and maintenance for those dragoons, if the King think fit to rease them ; and if I doe this, I think it is not ill use of that comission. Did the King and the Deuk knou what those rebellious villans, which they call minesters, put in the heads of the people, they would think it necessary to keep them out. The poor people about

Menegaff confess upon oath that they wer made reneu the Covenant, and belieue the King was a Papist, and that he desseined to force it on them. But I shall tell your Lordship mor of this when the Deuk comes doun. I am, my Lord, your Lordships most humble and most faithfull servant,

J. Grahame.

Moffat, Apryll the 17, 1682.

202. A party of Whigs in arms at the Bille.

Dumfries, Jun the 17 : 1682.

My Lord, I thoght to have waited on your Lordship befor this, but I was stayed at Edinbourg tuo days beyond what I desseined, which has proved favorable for me. Yesterday when I came at the Bille, I was certenly informed that severall partys of Whigues in armes to the number of six or seven scor wer gon from thence but six hours befor. They came from Clidsdelle upon Mondays night and passed Tueed at the Bille going towards Teviotdelle, but went not above three mylles further that way. They stayed there about devyded in small partys, most all on foot, Teusday, Wedensday, and Thursday, till Frayday inorning, when they passed the hilles towards Clidsdell. Som say they hade a meeting with the Teviotdelle folks ; others would make me believe they had a mynd for me. They did ask in severall places what they heard of me, and told they wer seur my troup was far in in Galaway ; others say they wer flaying the West for fear of the diligen[c]e the gentry is deseined to use for their discovery. I could believe this, wer they not returned. I spok with the minister and severall other people in whose houses they wer, but he keeped himself out of the way. They did no prejudice in his house further then meatt and drink : they gave no where that I could learen any acount of there dessein there ; only I heared they said they wer seeking the enimys of God, and inquyred rooughly if any body there kepted the church. The contry keeps up this business. I heared nothing of it till I was with in tuo mylles of the Bille ; and that was from a gentleman on the road who had heared it at a buriall the day befor. Ther was a dragoon all Teusdays night, at the change house at the Bille, and the mester of the house confessed to me he loot him knou nothing of it. They pretend it is for fear of bringing trouble to the contry. I sent from the Bille ane express to acquaint my Lord Chancelour with it ; for I thoght it fit the quarters should be advertised not [to] be too secur, when those rogues had the impudency to goe about so. If your Lordship be at hom on Monday, or lait me knou where you will be, I will have the honor to wait on you.—I am, my Lord, your Lordships faithfull and humble servant,

J. Grahame.

203. Earlston before the Council—Mrs. Rochead's business—question of his going up.

Edinbourg, October 2, [c. 1682].

My Lord, I came here on Saturday's morning in tyme to the Councell, when Earlston was delayed till the King should see the answers he had given to the interrogatorys ; nor was there any shuning of it, most persons being of opinion that he had no mor to say, tho' he said almost nothing neu. Ther was nothing els of consequence brought in save a remission for Moncland which I got stoped and he contineus in prison, because he refused to give up upon oath all his wryts and peapers. On Sonday morning Mr. Rocheads wyf sent to me to knou where she might see me. I told I should sec her at her owcn house

either after sermons or on Monday morning ; never the less Mr. Rohead waited my out coming from the Tron Church and invyted me to super, which I refused ; but Mrs. Rohead sending again this morning I went to her, when she told me the history of the family and that of the goverment of the good toun, and after asked my adviee if her husband should goe up, and begood to propose that I would doe them kyndness if I went up. For the first, I told her that I might safly tell her my opinion in it, that they who had the interest to procur that letter would be able anogh to gate him sent hom with out a hearing ; and for my owen pairt, in all appearanee I was not to goe, but if I did, I would not undertake for no man to maidle in any of my Lord Treasurers concerns without his lieve and that I thought they had taken wrong measeurs from the begining in not puting themselves in your Lordships reverence, but that at present I could give them no adviee, till your Lordship was eom to toun and these returned that knew the Kings mind in that mater. I fynd they think Colin Makenzy is at London for to procur that place. I send your Lordship here inelosed the treasurer deputs letter, by whieh I see the Deuk will not lait me up. I suppose he has no mind the thing should be heared by the King, beeause it would load a certain person. They seem satisfied that the Deuk promises he will see it don, and that my lord Maitland shall not have lieve to speak of it. But I am of a quyt contrary opi[ni]on, for I knou hou much ons presenee prevails with the good natur of the King and Deuk. Beseids, if the explanatory letter be not signed, I see by this suspension I will have a very evill game. But I have wryten positivly either that I have lieve to eome, or that the explanatory letter, whieh I have sent up be seigned ; otherways, I have raison to believe that evill offices have been don me from this to the Deuk. It is thought very strange that the lords should have suspended fourty thousand pounds with out a cautioner, beseids other things ; but I never can complean of the Kings judges. I expect to knou mor by the nixt post, if I goe up or not, I shall not fail to acquaint your Lordship in tyme. I am, my Lord, your most faithfull and obedient servant,

J. Grahame.

204. Repairs on Straven—Captain Strahan's troop—Claverhouse's troop to remain at Dumfries. [No date, eirea 1682.]

My Lord, The Generall is satisfied with the reparations of Streven as they ar intended in the paper he reeaived from your Lordship, and desyrs your Lordship will be pleased to order it be gon about as soon as can be. The compagnie of foot is marched with the enseign. The Lievttenant has been with my Lord Perth, and is nou going after it. He has eomanded them to receive orders from your Lordship, hou they shall dispose of them self. I spok to him that Captain Strahan might be waranded to quarter them by your Lordships adviee, but he would not. He will give no orders eoneerning my troup till the first of November, that every body be eom to toun, but that they contineu at Dumfries. I hear the comittie at Edinbourg has ealled a eouncell and have found diffiuletys in Earlstons business. This letter about Bayly Drumond and Rohead opens the eyes of people mightyly, and gives good hopes of success of all other things. I hop your Lordship will not neglect to give advyee hou you would have all things goe, especially as to the Juneto, for that is the great point. I dout not but they ar able to doe all that can reasonably be desyred. If I goe I shall acquaint your Lordship that I may reeive the honor of your comands. I am with all respect, my Lord, your most faithfull and obedient servant,

J. Grahame.

205. The Duke had much esteem for Queensberry—the writer walked out nine miles with the King this morning, besides cockfighting and courses.

Neu Market, March the 9, 1683.

My Lord, I shall not trouble your Lordship with any thing of business, seing I knou my Lord Chanecler will shoe you what I have wryten to him, which I think will please, for I fynd all in a very good temper here. I spok to the Deuk concerning what your Lordship gave me in comission, and he desyred me to asseur you that he had all the estime imaginable for you, and that no body had offered to doe you ill offices with him, and, if they had, they would not have succeeded; and expressed him self very kyndly and franelly of you. It is hard to gate any business don here. I walked but nyn mylles this morning with the King, beseids coek faighting and courses. I have not spok as yet concerning the muster maister but I shall. I am, my Lord, your Lordships most faithfull and humble servant,

J. Grahame.

206. A commission to Kelhead—To pay Earl Middleton's debts out of the fines—The house of Dudhope—The Duke considers the army his own province, &c.

London, March the 20, 1683.

My Lord, We have all raison to complean that you did us not the favor to comunicat to us your dessein to have the campagnie of dragoons for Kelhead, for it had almost gon wrong. The Deuk thinks the army his owen provincee, and that he understands both the men and business of it better then any body, and he has his owen maximes that it is hard to put him af; and I am seur had the Councell desyred him to put that troupe by the Captain Lievttenant, he would hardly have don it; he told me it was his deu, and having receaved wounds in the service he could not put it by him, and the mor he would doe it that he was recommended by no body. My Lord Deuk Hamilton wrot for ane other, and was eertenly seconded by his friends here, but to no purpos. Houver after both secretarys had been refused and I toe, we made a second atake, wherin they both shew themselves mightily concerned, and we prevailed with him that Kelhead should either gate that campagnie, or Inglish imediately turned out, and he gat that. The Deuk, I believe, was not pleased that Kelhead refused the cornets place, after he had socht it; and I am informed that the Deuk asked my Lord Dumbarton if Readhouse had served in his regiment, and he said not, which wronged his business, and had not the Deuk been aprehensive that you might have thoght this refusall had been the effects of the ill offices you suspected, I dout if it would have don. But I shall tell both your Lordship and the Chancelour what the Deuks method is as to the disposing offices in the army at my return. There was a litle debate about Stenhouse business; why he needed a presentation from the King, if the Chancery could not have given him a brief for it; but it is ordered. My Lord, I am mighty glaid to fynd the Secretarys so much your servants. They have no less kyndness for you both then you have for on ane other, and taking them along facilitats mightily affairs herc. My Lord Midletoun particularly thinks himself oblidged to serve you, and has asseured me of ane intyr friendship and corespondence with you; so lait there be franc dealing on both seids. He tells me your Lordship has generously offered your assistance to him, and given him lieve to talk to me about his business. I fynd he has run himself in debt by this mariadge and furnishing himself of necessarys for 'a family, to about tuo thousan pounds; and I think less nor three thousand cannot be offered him; and seing the fynes ar

coming in, tho he got fyve, it wer well bestoued. This would be generous in you ; all honest men would comend you for it, and it would secur you a friend here for ever, that has great interest and is a firm and reall friend, where he professes it. My Lord Ch. : I am seur, will aproove it upon many acounts, and particularly seing he is so concerned for his business here. I dare swear nothing in my Lord Midletouns pouer here, but he would doe for your Lordship as for himself, and it is wyse to oblige airly. Lait me hear from you with the first in this particular, because my Lord Midletoun is impatient. My Lord Ch. will shew your Lordship myn to him by which you will see all is don, saive only my Lord Chancelours business ; which is resolved, and only is delayed, till the state of the mint com up. It is not saif I paift, till it be secured : so, my Lord, I expect to have the account of my Lord Launderdells business shortly and your pleaseur in it. My Lord, I have written to my Lord Ch. about a business concerns my self, of which he and I talked befor I paifted, as my Lady Aroll will tell you. I must bygue your Lordships assistance in that business of the lands of Didop. My Lord Ch. deseins nothing but to sell it, and bay land in the north, seing he is to gat Stirling Castle to duell in. Wherfor I desyr lieve to ask the house of Didop and the Constablerie and other jurisdictions of Dondie belonging to my Lord Launderdelle ; and I offer to bay fourty chalders of victuall from my Lord Ch. laying about it, tho I should sell other lands to doe it. I have no house and it lays within half a myl of my land ; and all that business would be extreamly convenient for me, and signify not much to my Lord Chancelour, especially seing I am willing to bay the land. I would take this for the greatest faveur in the world, for I cannot have the patiance to build and plant. But, my Lord, I should raither make use of this occasion to thank your Lordship for what you haue so generously proposed for me to the Deuk then ask neu faveurs. I hardly could have thought you could have remembred that of the tuo years purchass. The Deuk asseured me he should have that, and what your Lordship recomended about my being on the council don befor I paift. My Lord I am sensible, as I ought to be, of so much goodness, and losses no occasions here to doe you any litle service you alloued me. I am sorry that you honored me with no greater things, for I think nothing could nor should be denayed you. I am, my Lord, your faithfull and most humble servant.

J. Grahame.

207. The Duke's high opinion of Queensberry—the good results of Claverhouse's commission into Galloway. Friendship with the Lord Chancellor.

Neumarket, March the 13, 1683.

My Lord, Last night, so soon as I received your Lordships, I went to the Deuk and acquainted him how much you wer concerned to knou his thoughts of you ; upon which he very kyndly and francly told me so well he was satisfyed with you, that he had that very afternoon been making his vant to the King of having made choyse of so good a man ; and that the King was very sensible how good service it was ; and I may assure your Lordship upon all occasions you will fynd the effects of it. The Deuk is so proud of the success of our affairs, that he very justly atributs to himself the ryse and bigining of all to his sending me, contrair to the opinion of most except your Lordship and a feu others, with those commissions in to Galloway ; and the King is very resolved that it shall be followed ; and all here magnify what you doe, and says it is a good copie [for] them, and the noyse of it helps to keep there affairs right. Lie : Gen : Drumond has pressed his affairs here, but the Secretarys ar

not pleased with his usadge of them ; he treats them cavalierly. My Lord, I have asseured my Lord Muray here and my Lord Midletoun of your Lordships friendship and the Chancelors, and they ar both mightily inclyned to lieve in ane entier corespondence with you. If they have anything to doe, I hop your Lordship and my Lord Chancellor will assist them, and I am seur they will doe the lyk to you both ; and I bygue your Lordship to tell my Lord Chancellor that it will be both your advantadge and theirs you lieve well togither, and I see it is the King and the Deuks inclination. I hear the rest of the people of the goverment ar alarumed and think I will represent them as usless. I can not imagin hou they com to think so. It is very hard to doe any thing here either with King or Deuk, for the Deuk hunts, beseids going where ever the King goes. I bygue your Lordship will speak to the Advocat, or any uses to wryt here, not to disconcert our affairs by writing things I knou not of ; but nothing as from me. My Lord Chancellor, I know, will comunicat all I wryt to him to you. Tho therc be no need of doing you good offics here, I doe as I ought your Lordship all justice where ever I com. I am, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

My service to my Lord Kinaird. My Lord Tumont is ill ; he cannot be here. My Lord, I had forgot to tell you hou sincerly Sir Androu Forester is your Lordships servant.

208. Interview with the Duke of York about a Viscountcy for the Lord Register (Sir George Mackenzie) and other business.

London, March the 29, 1683.

My Lord, I was at my Lord Mideltons dining, when your last came to my hands. Immediatly after dinner, notwithstanding of all the orders of secrecie you haue so stricly giuen me, I ventured, talking of the statc of things, to tell him hou necessary it was that som persons, whom I named, should have equalls ; and fynding he intered in to the same sense, I poussed it further, and told him that I had alraidy sounded the Deuk and had not found him averse. But, with all, I told him that my lord treasurer, when I paerted, had not given me the least order to that purpos ; but, on the contrary, when I told him that it was propre for him and offered him my service, he positively desyred me, if I tendered his interest not to maidle with it ; but that my Lord Chancellor had laift me Cristian liberty. After having rasoned the business, and prepared against all difficultys might be objected, we went to St. James, when we desyred of the Deuk to speak with leaseur with him ; upon which he teuk us in to his closet, and having for introduction begun with the Mint business and my Lord Maitland, we fell imediately on your affair. The Deuk proposed difficultys. We discussed all, and convinced him and made him acknouledge it, after having given many arguments from different heads ; and then we tossed the business from hand to hand, that we broght him quyt about. Then it was concluded my Lord Huntlie must also be. Then my Lord Midletoun spok of the Register. It was not my pairt to oposc any thing that was proposed for a man haude often don me kyndness ; but on the other hand I will take on my salvation that I never heared of it till that afternoon, nor believe I the Register expects it at this tyme ; but it seems there has been sumthing betwixt them when the Register was here. The Deuk seemed very inclyned and said " Is it ane Earle ? " and would have late it pass, as I thought, but my Lord Midletoun said, No, but a Vyscount ; upon which the Deuk underteuk to indevor it all with the King. We

had the franeest conference that I believe ever was, and his Hyghness expressed a great deall of kyndness to you all. My Lord Register is to be made friends with your Lordship, and I am to bring orders about it. You will have no raison to complain of the way ; and that business of Maitland is to lay over till then. My Lord Midletoun and I wrought all we could at the muster maisters business, but never neamed the desseined successor, but it would not doe. He told us laghing that we would all be as great tyrants as my Lord Lauderdelle was, and lait you alon. He has his owen maximes and politiques, but all was very friendly. He said Inglish business will doe but with all he would not hear but Clieland shold be the first eaptain. We shall not give over till we have brought it to a eloase, or it will feall at the King, which I hop not. My Lord, I hop you will pardon me for puting my Lord Midleton on the seeret. It does not eoneern you, seing he thinks it is with out your knouledge what we doe ; and that it is mainly on the publiet acount we doe it. My Lord, it hade been better for me to have had all the honor of doing it alon, as by my last to my Lord Ch[aneelour] you will see in all appearane I might have don ; but if your business be don, I shall be content with out eonsidering who gate the thanks. My Lord Midletoun is most sineer both to your Lordship and to the Cha[neelour] ; wherfor, I think, you have thoght of to litle for him and on ane ill fonds, seing my Lord Ch[aneelour] is befor him. The fynes and forfiteurs, if your Lordship pleases, will doe better. My Lord, I promise to my self that you will perswad my Lord Ch[aneelour] to eonsent to my gating Didop and the jurisdiction, which can not wrong him, seing I am willing to buay a pairt of the land. My Lord, I have wryten this in great heast. I dout if you will be able to read it. I am, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

209. Had conferred with the Duke upon Queensberry's business, but the King would not eonsent to it—The King wished to know about Mar's heritable right to Stirling Castle.

London, Apryll the 10, 1683.

My Lord, I delayed giving any answer to yours of the 29 of March, wating for ane oportunity to speak with the Deuk, or raither to see if he would say any thing to me eoneerning your Lordship. But having yesterday receaved yours of the thrid of Apryl, I thoght not fit to delay it any longer. I went imediately to the Deuk, who gave me oeeasion to speak too him at full lenth. First, I shoud him that peaper about the feu deutys, which he raid all over. I told him that if there was any persons concerneid therin, to which there needed be any regaird had, it was for so ineonsiderable sums that it would be no ground of complaint ; besids, that it was all the Kings right, tho negleeted heretofor by those intrusted in the Treasury affairs. I raid som pairts of your letters I thoght propre for seuerall subjeets to the Deuk. He aproved of what was don ; desyrs your Lordship to goe on, and looks on it as good service. After that I told him that I had given your Lordship acount of what had passed betuixt his Hyghness, my Lord Midletoun and me, eoneerning your affair, and that I had receaved a return full of gratitud, and the sense of so great ane obligation to his Hyghness. I hoped he had not forgot to press the King to it. He told me he had used all the arguments he could to perswad the King ; but that he could not move him to it. I did aledge that I feared the King or he must have been diverted from it by Inglish eouneell, and there upon took the liberty to tell him in a respeetfull way hou unsaive it wer to take measeurs from people that could not knou our business nor the

circumstances of our affairs. The Deuk very fairly denayed all, but told me the King had been so vexed with the nobilitating people here (for when the door was once opened all would be in) that he could not willingly hear any thing upon that subject. I will say without vanity that nothing was ussaid that could make for the purpose ; but the Deuk in end told me it was impossible. I told him then, that in all this I hade only raison to complean ; for I was very seur that both the King and he would be at last convinced hou much it was there interest, and would certeuly doe it; only I would be so unhappy as not to be the bearer ; upon which the Deuk told me that he thought some tyme after the King might be broght to it. I desyred he would be so good as to wryt to you or the Chancelour to that purpose. He told me there was no need nou, but that he would doe it when I went doun. I think I need not tell your Lordship hou concerned I was ; if it had been for my lyfe, I could doe no mor. But, my Lord, I hop you will bear patiantly a litle delay ; for if I understand any thing it will certenly doe ; and at meeting I will tell you mor fully my owen thoghts, which will fully convince you. I shall doe my best . . . [torn] Deuk to wryt as clear and plain as y not this little stop in ill pairt for the gr[eat]est men in Ingland ar glaid to gate it after many pulls. Therfor, contineu cheerfully your iudevors in the Kings service, and it can not fail. The Deuk told me that he found my Lord Chaucelour mightyly inclyned it should be. He may reneu the attaque when he pleases ; my Lord Midletoun will be always ready, who is of the same opinion with me in all this affair. I have not spok to the Deuk concerning the blank comission, but I fear he will be unwilling to give a comission without he be seur to whom. If you desein any body els that he declynes it, we will gate it in any bodys name you please. The comission anent the excyse is gon severall days agoc. The Deuk had ane acount by my Lord Advocat of what passed in exchainer concerning the touns business, which he raid all over to me. It was fair enough, raither desseined for to magnify his own paire then wrong or lessen others. I sawe nothing that the Deuk suspected the least diffrence betuixt the Chancelour and your Lordship. Somthing he understood concerning my Lord Tuedaill, and I said what I thought propre to hold him at that. It was only from the Deuk himself that I knew of your Lordships recomending Kelhead. The Deuk told me yesterday that you hade recomended my Lord Ross for to be Licvetenant Coll : to my regiment, and that he had given you answer that there ought be non in horse, which I told my Lord Chancelor befor I came away. I fynd the Deuk will be content he be Major, and I did not at all opose it, because recommended by your Lordship ; tho I have some raison to take a litle unkyndly in my friend, my Lord Ross, that he should indevor any alteration in the regiment without lating me knou it. My Lord, I think I gave your Lordship acount hou that the King had comanded me iu his name to wryt to your Lordship and my Lord Chancelour, that he might have from you a particular account of my Lord Mars right to the Castle and Lordship of Stirling ; for he is resolved not to suffer any heritable comand there, if there be any way in lawe to hinder it. There is nothing I see the King so concerned in as in that place. Wherfor, my Lord, I bygue you will heasten up the account of it, scing it is the only thing the King himself has desyred of a long tyme. The peaper you sent up I shall take cair to keep till meeting. I am, my Lord, your most faithfull and most obedient servant,

J. Grahame.

There will be wars imediately betuixt Swaid and Danmark, which will draw in all the rest. Conte de Roy goes generall for Denemaak.

210. Kelhead's business.—Sir John Coehran at London &c.

London, April the 12, 1683.

My Lord, I hear nothing mor of the toun of Edinbourg business, nor nothing that followed on it. So I say nothing aither; but if I doe, I'll knou hou to give things a right turn. Nor is there need that you take so easily alarums; the Deuk will not so easily alter the opinion he has of you. I told him what diligence you wer using concerning the exeyse comission. I cannot yet give answer as to Kelheads business. I suppose there will be nothing don in it till Captain Inglish either demit or be trayed. I fynd the Deuk thinks Meldrum most propre to be Major; but will not eondeshend to put him over ane older Captains head, that is a man of quality: tho I indevored to perswad him to it. In these things it is hard to impose upon him. Wherfor, I told him it would be best to lait it alon all togither, that we may see if tyme can bring it about. I knou not well what he will doe in it, but I suppose he may take advyee. I spok to him also about Gileryst, and told him that befor I reeaived your Lordships I had persons in search of him. I was this morning by the Deuks order at Sir Leonard Jenkins about that affair. When I learn any thing of it, I shall give you notiee. Sir John Cochraine treated both Sceretarys, my Lord Aran, and Lord Charles Muray, yesterday at the George and Volter, but I fynd neither of the first have any kyndness for him. I have recaived from my Lord Chaneelor the state of Stirling and have given him acont of our opinion here, which I suppose he will acquaint your Lordship with. That will be a mighty augmentation of the customs you speak of. I shall lait the Deuk knou of it. All other things in your Lordships letters I take eair of according to directions. I am, my Lord, your Lordships most faithfull and most humble servant.

J. Grahame.

My Lord, the inclosed papere I dessein to have keeped till meeting conform to your first letter, but nou I send it doun as you desyr by your last.

211. The affairs of the mint and of the Castle of Stirling.

London, Apryll the 26, 1683.

My Lord, The Provist of Edinbourg has wrytent to the Deuk and sent up a memoriall, ane information, and petition to the Councell anent the Mint, recommended by the Bishop of Edinbourg. I suppose, my Lord Midletoun will send your Lordship all those peapers. I told the Deuk that it was not propre, without better recomandation then what he had, to take any resolution in the thing; and that I suposed what was don was for the Kings service. So that there will be nothing don here, till the Deuk hear from your Lordship and the Chancelor; nor doe I see that the Deuk blames as yet your Lordship in the least. We all here will take speiall eair that he understand the business aright, nor can I see hou it is possible to suspect any other dessein then peurlly the King's interest in what you doe. There will be a letter to your Lordship in a feu days for securing the lordship of Stirling for the Kings use, and ane other waranding you to treat with him for the heritable right of the Castle and lands anexed there too. As to the Mint, there is a letter ordered for your Lordship telling that the King pleaseur is that my Lord Lauderdeall dispon to the Chaneelour the lands about Dondie, and to me the house and jurisdiction, for which I render your Lordship most hairy thanks. Sir John Falconer is to pay four years and one half purhass of all his esteat and the rest six years purhass of theirs, but the King has ordered nothing be said of this till the letter eom to your

Lordships hands. My Lord Maitland knous nothing what is don. I will have the honor to see your Lordship before you goe from toun. I am to paire next week. I am, my Lord, your Lordships most faithfull and humble servant,

J. Grahame.

The seasing the Lord Mair will doe mor ill then good to the disaffected pairty. All is very well here and the King firm.

212. Lord Middleton and he were to go to Windsor on Monday about the town of Edinburgh's business. 28 April 1683.

My Lord, I have not seen the King and the Deuk since my last. So I have no neu thing to wryt. My Lord Midleton and I goe on Monday for Windsor, when we will be seur to doe what we ought. As to the toun of Edinbourg's business, I am sorry to see that the world is not wyser, and I must say that I think your Lordship gats hard measeur; houever, I am glaid to hear from the honest Advocat that both the pairty and the Advocat ar ordered to cray pecavi. Who ever does not give your Lordship all incouradgement in the work, you goe so francly about, does you not justice, nor serves the King aright. We are all her extreamly convinced hou well you deserve of the King; and non can knou it better then, my Lord, your Lordships most faithfull and most humble servant,

J. Grahame.

London, Apyrll the 28, 1683.

213. Business of the Town of Edinburgh.

Windsor, the 3 of May 1683.

My Lord, you need not be in pein about that business of the toun of Edinbourg, and the Bishop had better laiten that affair alon; for the Deuk has been better informed of him then I believe he was ever befor. The peaper concerning my Lord Lauderdaill is sent down by this post as I informed by my last. My Lord Muray and Midletoun will be provyded for out of the rest. The quo quaranto will succeed. I paire the nixt week. I am, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

214. Circuit-Court at Stirling—one man condemned to death—many heritors take the test.

Stirling, the 9 [June] 1683.

My Lord, Tho I can not dout but severall others give your Lordshipe particular acounts of all that passes at this court, yet I would fail in my deuty, if nou at the closs of it here, I did not give you som acount of it. There has been three letters wryten to the Chancelour, giving acount to him of all and asking advyse in som particulars. Of the first, I cannot have the scroll, but I send your Lordship a copie of the answer. The second was sent last night, and the scroll is also lost, but it was only giving notice that there was a fellow being called in the Porteous Roll apeared, and pretended he had taken the bond; and for proving it produced a false and sham certificat; but being suspected and asked upon oath if he had seigned it, refused to swear it, and refused to say, that Bothellbridge was a rebellion, or the Bishops murder a murder; upon which the Lords, after he had refused to take the test, put him to the knouledge of ane inquest, who broght him in guilty. Then he thoght fit to recant, and offered to take the test, but the lords refused it upon good grounds, and condemned him to dey on Wednesday at Glasgow, as your Lordship will see by this scroll of the thrid letter to the Chancelor,

which pairts tonight, and this bearer going just a way I have not the tyme to transeryve it. I have wreaten to the Chancelor my opinion upon many reasons that the man should be hanged. This Justice Air has succeeded mervilusly. Many gentlemen of good quality, that wer in the Porteous Roll upon mistake, after they wer assolyed teuk the test. Above a hondred and fivety rebelles comoners have here taken the test, and I believe almost all will; so that the nomber of fugitives will be feu. The judges goe on very unanimusly, and my Lord Advocat does wonders. This murder they have comitted gives us all neu vigeur. From Glasgoe your Lordship will hear from me, for there will be the seene of the most eonsiderable things. I am, my Lord, your Lordships most faithfull and humble servant.

J. Grahame.

215. About Garrisons in different places.

Edinburgh, August the 28, 1683.

My Lord, Heu Wallace comunicat to me what your Lordship gave him comission, and since I have had the honor of your letter to the same purpose. I have spok to my Lord Chancelor severall tymes about those garisons; but he refuses to doe any thing till the councell day. I told him that if I could gate the eonsent of those to whom the houses belong, I would venter to garison them with out any other warand but what I have to quarter these troupes where I please in that eontry. But, since, I am informed the generals troupe is ordered by himself to march to Kilmarnock; so that there can be no mor don as to garisons except what I have alraidy ordered about the Kaitloch; only if your lordship can have the consent of the maister of that house neer Drumlainrik mentioned in your letter to Hcu Wallace, Captain Strachan may alou ten or fyteen men, which will be anogh in that pairt of the eontrie. I have given him advice about it. I have spok to the Chancelor that the generall might be ealled for against the councell day, and all things concerning the disposing the quarters for the troupes might be adjousted. He seemed to inclyn that I should give a sheam (*sic*) of it in wryting, which I am unwilling to doe in the terms we ar in, not knouing what use might be made of it. Houever, befor the Kings service suffer I will ventur on it. It is not possible for me to leave this place nou that I have writen for lieve to goe up, till I knou the Deuks pleaseur; beseids the neecessity I have to atend the poursuit about the decret of the mint, which makes slou progress. If your Lordship have once to wryt to Heu Wallace, he would needs be put in mynd, for as yet he has don nothing. I shall not feall to give my Lord Midleton and our other friends there franc acount of the state of things here, particularly those your Lordship wryts of. For that Highland project, the Register and I both have refused to maidle mor, and we haue signified that it braid not in our breast. As to the bringing bak the Advocat, the counzell understood no such thing, and I have asked the Chancelor about it. He says so, but that he knous not hou the clerks may have drawen the letter; he seigned it on the eomon faith. I shall wryt to the generall about Streven. I had alraidy heared how extravagant the expense was desseined. Houever suspects me of having given advice to the Deuk to lait things be governed by the chief minister alon, wrong me mightyly. I can apeall to the Deuk and my Lord Midleton, if I did not always say that things by cause of seerecy ought to be manadged by you tuo; and if you could not agree, by a Juneto; and I think I was right. When I hear from London, your Lordship shall knou. I am, my Lord, your most faithful and most humble servant,

J. Grahame.

216. Proceedings in council—whether he should go back to Galloway
—clothing for the troops &c.

Edinbourg, September the 13, 1683.

My Lord, I thoght I had prepared that affair of the garisons so well that there could not have been the least difficulty in it; for my Lord Chancelor seemed satisfyed and made me wryt about it to the Generall, but when it came in councell the Ch[ancelor] rfered all to the Generall. I sustined with all the might I could; but was not able to bring about the Generall nor perswad the councell to doe it of themselfs. The Ch[ancelor] is nou resolved to please the Generall by all means; but he seems not to cair for it. The Ch[ancelor] will never give him all he deseirs. Houever, the thing being so raisonable, and a proposell of your Lordships and sustined by me, who they had raison to believe understood that contry, your Lordship may easily guess I was not well satisfyed; and I took the liberty to tell my Lord Ch[ancelor], that if the Deuk had been at that boord, as he was when I was first sent to Galloway, I would have been believed in maters of that contry, especially when I was but seconding my Lord Treasuror. The Ch[ancelor] then desyred the Gen[eral], my Lord Linlithgou and Livingston and I to confer about it nixt morning, which would have turned to nothing, had not your Lordships letter com to my Lord Chancelor; which pleased him so well that there was not the least difficulty thereafter. He made speaches both in councell and to me in pryvat of your Lordships great cair and vigilence for the peace of that contry, and the Kings interest, and comended mightily your giving your owen houses and provyding them with out any expense to the King for to be garisons; and fynding him in that temper, I told him that your Lordship had a mynd to have Capt. Dallyells compagnie if any was sent, which he also undertook cheerfully; and accordingly all was don in councell with great elogys. The generall said nothing. I then asked whither or not I should contineu my former cair of that contry or not. The Ch[ancelor] shuned to make answer; but being pressed, all he answered was that they took nothing from me. After I asked hou they would dispose of my troupe. The Ch[ancelor] had a mynd it should lay here for a tyme; the generall was for sending it to Fyfe. I told it was usless to the King[s] service here, and would be so in Fyfe. I desyred it might be sent to Comlok, Maybolle or som place neer Galloway; that in caise there be need I may mak inrods nou and then. It was refered to the Generall. So I knou not hou it will be, but I am seur I am very indifferent; for I told in Councell that wherever it went I thoght may self no ways oblidged to march with it, because that was the Cap. Lievtenents business. I shall indevor to be with your Lordship again that compagnie com in. I spok to my Lord Ch[ancelor] about my Lord Kenmors business, and he seemed resolved, but nothing was don anent it yesterday in Councell: I shall put him in mynd of it; he can always call a corum. My Lady Aroll and I aprove mightyly of your Lordships way with the Ch[ancelor], not to stand upon the ceremony of writing first, when the Kings service requyrs it, and I am glaid to see hou pleased he is with it. It seems he would be better pleased with mor corespondence which I should be glaid to see in such terms as would be acceptable to your Lordship. I have receaived a very kynd letter from my Lord Treasuror deput, wherin he gives me good hopes of my affairs and great asseurance of his assistance; and with all laits me knou that beseids his owen inclination he has your Lordships comands to sustain all my concerns. If it wer not that I dessein raither returns of services

then speeches, I would imbrace this oceasion to say somthing to your Lordship on the head of obligation and gratitud. I hop your Lordship will believe me sensible of both, and that I will not forgait my deuty. I shall never forgait hou generous it was in your Lordship to alou me your friendship in a tyme that you was offered concurrence of persons who ought to have been my friends. There ar people who think I have lost by the change, but I am far from it, for they knou not so well as I what I had or what any man can have there to loss. But whatever there had been in it, I would not have regraited it, and I think my self very happy whyll I am asseured of your Lordship proteetion and friendship. On Fryday last I was told by the Bishop of Galloway that by a letter from my Lord St. Andreus he understood that the Bishop of Edinbourg was asking his lieve to goe up, and that he desyred no eomission and would goe on his owen expence ; but that my L. St. Andreus had asseured him that he would by no means consent to it. I sough for him to give him my opinion, but could not fynd him as yet. The Arehbishop of Glasgou has asseured me he will imploy his interest against it, and if the primat should eom to be abused in it he will protest against that journey. The Bishop of Edinbourg seems a little out of heumeur, and he told me yesterday he would eom and see me and talk of many things, whieh is no sign things goes to his mynd. Whyll I am wryting I just nou recailed a letter from my Lord Advoeat telling me my business is don, and on from my Lord Midleton giving me aecount of his diligence, that the Deuk had promised no remission should pass till I was satisfyed. Colin wryts that ane explanatory letter is to com doun that will leave no ground of debeat. The Advoeat says he has been recailed to admiration.

Your Lordship may remember I got licence to import read cloath for my troup, and so much gray cloath for the trompeters and ketledrumers. The eloath being imported I presented to my Lord Ch[ancelor] in councell a declaration under the colectors hand that it had been visited and the deus payed, and therefor desyred up my bond of 500 p. st. My lord was pleased to refer all to your Lordship. I also informed him that the gray cloath was not of the right color, and therefor desyr I might have lieve to eary it bak to Ingland and bring other in the place of it, or els that those of the manifactory might have it, and I aloued to bring in as much, which was also refered to your Lordship. I was content thinking myself in good hands ; so must expeet your Lordships faveur in both ; for I desyred the Clerk to mark it was refered to your Lordship; the thing is mightily raisonable. My Lord Glasgou was very earnest that I should asseur your Lordship of his serviee, and he swears he will be most firm to your interest. My Lady Aroll is still where you laift her. I see not that the Court grouis much here. I fynd myself worse there evry day but I take no noticee of it. I goe thither as I used to doe, but only when I have business of publik coneern ; and howeuer things goc am resolved to doe as a good subject ought and a man of honor. I will by no means prejudge the Kings serviee for my interest, nor will I doe mean things to insinuat myself. If I have forgot any thing here, I shall mend it by the nixt. Heu Wallace will give you aecount of the toun of Edinbourg business and that of Air befor the Councell. I did all I could in both. Your Lordship may consider both and doe what you think proper, for I should be sorry it went so. I am, my Lord, as I ought to be most franchly, your Lordships most faithfull humble servant,

J. Grahame.

217. Things past recovery at Ayr—Brisben was to carry it—Lord Montrose to go up. Ayr, 27 September c. 1683 (?)

My Lord, Before I came to this toun things wer past recovery, so I thought it not fit to make use of your Lordships name at all. I only, fynding Brisben would cary it, advysed him to take on the councell and make magistrats as many as his interest could alou, that the heats and animositys among them might in som measeur be alayed; and he promises so to doe. I fynd they perswad them selfs they will be suported in all they doe. I am glaid to hear of the defeat of the Turks. I am informed my Lord Montrose is to goe up, and is to wait on your Lordship; but I begg I be not neamed in this. This contry believes a certain man caryes all, and that every body els will be destroyed. I shall wryt to your Lordship from Edinbourg. I am as I ought to be, my Lord, your most faithfull and obedient servant.

J. Grahame.

Air, September 27.

For the Marquess of Queensberry, Lord High Treasuror
of Scotland.

218. The Duke did not wish him to come up—Business of the town of Edinburgh—Monklands remission stopped &c.

Edinbourg, October the 12 [1683].

My Lord, There has nothing occurred here worthy your Lordships noticing sinee my last. I fynd by letters from my Lord Treasurer deput, my Lord Advoeat and Colin that the Deuk has no mynd I should com up; but gives all asseuranees that he will have the thing performed with out fraud or trik. The Bishop of Edinbourg did me the faveur to com and see me yesterday, being under fisik, when he took oeeasion to tell me all had passed betuixt your Lordship and him as to the business of the toun of Edinbourg; and made shou of great grief that he had had the misfortun to incur your Lordships displeasur, but desyred nothing of me neither to represent it to your Lordship nor any body els. I told him I had never been on the subject with your Lordship; but that, seing the tuo Archbishops had concerned themselves in the mater, as he told me they had don, I believed your Lordship would not be implaeable; for I had always found you ready to alou people to vindicat them selfs, or to accept of raisonable satisfaction upon aknouledgement of their fault. I spok this day with the Bishop of Galloway to knou if there wer any hopes of his translatione, but he told me by what he could learn from the primat, Dumblean was fixed in Ross. I am glaid to see that the Kintyr project is blouen up, but it is to be feared that tho that esteat be anexed to the croun it may be easily dissolved. I fynd the Advocat is not satisfyed; he has got nothing, tho he says he had no dessein but to saive this contry from slavery, and honest men from ruin. He comes af the 15. The Treasurer deput has thought it worth his whyll to gate the Kings orders to stop Munglands remission. Great pakets in great heast com from my Lord Maitland to my Lord Chaneelor. Things seem to goe very right; but if the Juncto be not fixed again winter, all will yet goe wrong. I am going for Angus wherc I will be till the Advocats return. Som folks here ar in great aprchension. I wish it may be well grounded. I am, my Lord, your Lordships most humble and faithfull servant,

J. Grahame.

I am glaid to hear your Lordships sonns ar com to London and so much esteemed there.

219. The Lord Advocate very useful notwithstanding his infirmities—affair of the Junto.

Edinbourg, October 30, 1683.

My Lord, I had not been so long without assuring your Lordship of my respects, had I not been always since my last in Angus, where I could neither fynd occasion nor business to wryt. Since my coming here I have had severall letters from London, wherby I learn my Lord Advocat came af the 24 and pretty well satisfyed; of which I am extreamly glade for many raisons; for he is very usfull in many things; and his friends must resolve to hear with his little infirmitys as long as he holds right on the main. My Lord Maitland is to be sent imediately doun to attend the Justice Court, and has don nothing. I have here from good hands that his great masterpiece was to perswad on of those two above to cheange with a certain man here; which indeed would have don a deall of mischieff, but I suppose it is above his reach; and L. M. is advertised of it by a good friend of his, to look to it as a thing that concerns him as much as any other. I have still neu assurances that the Deuk will not see me wronged. I hear the B. of Edinbourg has changed his ton since he thinks the storm is over. The affaire of the Juncto is no secret here, and evry body thinks it was the only thing could have keeped people with in bounds; but by what I can learn, if it be at all it will turn to the old Juncto, or to the officers of state only. I hear D. H. has been traying to be of the nombre, but was refused as being officer of state. I fynd my Lord Register as your Lordship left him. I am glaid to hear by Heu Wallace that you desseine to be hear on the sixt, which will be about the tyme of the Advocats arryvall; when, after hearing all has passed at London with the circumstances, your Lordship may mor saify take your measeurs. I have a great deall to say to your Lordship in faveurs of Colin Makenzy but shall delay it till I have the honor to see your Lordship here. I fynd M. L. Mid. is greatly his friend, but all is expected from your Lordships goodness. I shall wait on your Lordship som mylles from the toun and give you acount of all I can learn again that tyme, and shall nou only begge your Lordship to believe me still as much as I realy am, my Lord, your Lordships most faithfull and most humble servant,

J. Grahame.

For the Marquess of Queensberry, Lord High Treasuror
of Scotland.

220. He had called on the General who could not see him—Orders about troops for Clydesdale. No date, but *circa* April 1684?

My Lord, I called at the Generalls this fornoon, and he was gon out to diner. Som time after he sent the order to councell to me without any order from himself, and sent me word by his servant that that was all he hade to say. I told his man I would wait on him imediately after diner, and, when I cam to his lodging, his man told me he was layen doun, and that he had not been well for som days. I offered to stay till he was awak but his man told me I needed not, for he would give me no other orders. I can doe nothing without his orders, for act of councell says the Generall is to comand my Lord Balcares troup and mine and Cap. Clielands to Clidsdelle; and that he should give orders to Coll. Bouchan and me to comand there. Houever, least the Kings service suffer in the time, I will goe and join my Lord Ross troup, till the half of the Gairds and the other troops com. I hop your Lordship

will cause dispatch them. If the Generall will not, the eounzell may give the orders imediately to the respective troupes. I am, my Lord, your most faithfull and most humble servant,

J. Grahame.

For the Marques of Queensberie, Lord High Treasuror of Scotland.

221. Had been at Ayr and Dumfries—Duke of Hamilton's seruples about alliance with Dundonald's family—His own marriage in that family. Edinburgh, 19 May, 1684.

My Lord, Tho I got all the assurances imaginable from the Generall that day I paerted with you, that his orders for me should be as soon at Glasgou as I ; yet I waited at the Haket and there about for fyve or six days and heard nothing from him. So I was forced to wryt to him, as I did to the L : G : Drumond and the President of the Session, that if the Kings service was retarded the blame should not lay on me ; upon which he sent me orders ; but he is in a terrible huff. I marched to Air with Coll. Bouchan and the fyve compagnies of foot, and the half of the Gairds with my Lord Ross troupe. After which I went in to Galloway, and visitéd the houses apointed for garisons, and I fynd them very propre so soon as beds and other necessaries ar provyded the troupes will enter into them, which will be imediately. I was at Dumfries and gave all necessary orders for those that lay there, and I sett the commission to work ; after which I went into Clidsdelle, and considered the houses apointed for garisons there. They ar propre anough for the use, but by what I can perceive they will not be provyded on a sudain with necessaries. I am nou com in to give the Comitty account of this, and to knou if there be any thing further to be don in those contrys for the Kings service. I fynd the want of the garisons in Galloway, and the withdrawing the forces from the shyr of Air has ooeasioned all the insolency that appeared in those rogues this last winter, and nou that the troupes ar so posted I shall answer for the peace and good order of all those contreys whieh in a maner is all the fanatik part of the kingdom, and I must say that the neu alleya that I am lyk to mak is not unusfull to me in the shyr of Air and Ranfrou. They have the guyding of those shyrs and they doe strenthen my hands in the Kings service, particularly my Lord Montgomrie, whom I rcomend to your Lordships faveur. I will answer for him that he will be very fordward in the Kings service, and very sincer in his friendship and deuty to your Lordship. I have wryten to his Royall Highness anent that match, hearing that Deuk Hamilton had serupulled to allaya with that family without the King and Deuks lieve. I feared that this might have been advysed by som persons to load me that had not been so circumspeet. For my owen paert I look on myself as a elcanger. I may cür people guilty of that plague of presibitry be conversing with them, but can not be infected, and I see very little of that amongst those persons but may be easily rubed of. And for the yong ladie herself, I shall answer for her. Had she been right principled she would never in dispyt of her mother and relations made choyse of a persicutor, as they call me. So who ever thinks to misrepresent me on that head will fynd them selfs mistaken ; for both in the King and churches interest, dryve as fast as they think fit, they will never sec me behynd. However, my Lord, malice som times earys things far ; so I must begg your Lordship will defend me if you fynd any thing of this natur sturing. The Bishop of Glasgou, when I waited on him at his house desyred me to asscur your Lordship of his respects and put you in mind of what he spok to you eoneerning Mr. Ross being principill of the Coledge of Glasgou. I had a letter

from Sir John Faleoner, wherin he tells me he waits your Lordships up coming, and that he expects you will be generous when you have him at mereey ; and I hop your Lordship will shou him faveur after my Lord Midletoun is satisfyed for his eoncern in that affair. We ar all very impatient to hear such newes from your Lordship as we wish, and your eair and zeall in the Kings service deserves ; and there is non has so good raison to wish you succes as, my Lord, your most humble and faithfull servant,

J. Grahame.

Edinbourg, May the 19, 1684.

Mr. Colin Makenzey desyrs to asseur your Lordship of his respects and beggs your assistanee in the Clerks place, for Minzies will dey ; Sir John Gordon is gon up for it. Sir William Peterson desseins the wholl office, and many pretenders there ar.

222. More about Lord Dundonald's case—Sir John Cochranc was a madman—Sir George Lockhart, a resetter of rebels, &c.

Edinbourg, May the 19, 1684.

My Lord, I have been in the West and posted the fyve eompagnies of foot at Air, and the half of the Gairds with my Lord Ross troup there about. I have visited the garisons both in Galloway, Dumfries, and Clidselle, and every thing is ordered eonform to instruotions ; and nou you will fynd by the sucess the raisonableness of this adviee. The eontry is much disposed to peace and order ; and I will answer for both in all those eontreys as long as the forces contineu thus posted, and Ingland keeps quyet. My Lord Deuk Hamilton has refused to treat of giving his doehter to my Lord Coehrane, till he should have the King and the Deuks lieve. This I understand to have been advysed him to load me, wherfor I have wryten to the Deuk and told him that I would have don it sooner had I not judged it presumtion in me to trouble his Hyghness with my little eoneerns ; and that I looked upon myself as a cleanger that may eur others by eoming amongst them, but ean not be infected by any plague of presbytery. Beseids that, I sawe nothing singular in my lord Dundonalds caice, saive that he has but on rebel on his land for ten that the rest of the lords and lairds of the south and west have on theirs ; and that he is willing to depon he kneu not of their being sueh. The Deuk is juster then to charge my Lord Dindonald with Sir Johns erymes. He is a mad man and lait him parish. They deserve to be damned would owen him. The Deuk knous what it is to have sons and nepheus that folloou not advice. I have taken peins to knou the state of the eontreys guilt as to reeett, and if I make it not appear that my Lord Dindonald is on of the clearest of all that contrey, and ean hardly be reached in lawe, I am content to pay his fyne. I never pleaded for any, nor shall I here after ; but I must say I think it hard that no regard is had to a man in so favorable circumstances—I mean eonsidering others, upon my account, and that nobody offered to medle with him till they heared I was lyk to be concerned in him. They have flaiged him ; so that he has not given me so much as he would have given to any body that could have don him no serviee. And since faveur might have been shouen him without prejudging the Kings serviee, considering his aidge and the imployments he has had, it was not friendly to fall upon him to my prejudiee ; but mor shall goe with him, or manifest partiality shall appear. I hop Sir George Locart will be used acording to lawe. Tuo or three days agoe, there was on Scot, a declaired rebelle, seised on his lands, who has deponed that he has lived therc ever sinee Bothwell, but did not pay the rent out of his owen hand, but caused a brother in lawe of his doe it. I have raire caises prepared, if it be the Kings interest the rigeur of

the lawe be used against all. On man may cast in the myr, as we say, what ten will not take out. After all, I am very indifferent whether my Lord Dindonald be fyned or not; it will concern my Lord Cochran, not me. I will gate no mor nor I have got, unless it should be signifyed from above that he has got faveur on my acount, which I would not dispair of if I wer at London; and my friends, if they lyked might doe; which would put D. H. made; for he thinks to doe all for them or not maidle with them. I will make ane other use of those people then is expected. They offer me all asistance in those shires, and my Lord Montgomrie is very fordward in the Kings service; he will wryt to you when I return to the West, and Bouchan will give you acount of all at the same time. If there be a necessity of having mony, I can give lists, and prove them, of persons ten times guiltier then Dindonald and able to pay. What ever com of this, lait not my enimys misrepresent me; they may abuse the Deuk for a time, and hardly; but or long I will in dispyt of them lait the world see that it is not in the pouer of love, nor any other folly, to alter my loyalty. My Lorde, pardon this idle letter, and believe me your faithfull servant.

Be kynd to Sir John Falconer.

I spok to Dindonald about giving sumthing and gating his grand chylds forfitur and sons echeat: but he will not maidle with them, and will stand his own tryall.

223. Chiefly recommending his private affairs to Queensbery when at Court.

Edinbourg, May the 29, [c. 1684].

My Lord, I would have been gon to the West or nou; but that I was desyred by the Comitty to stay till the Councell day, and I was desyrous to hear what newes came from London. It is no small joy to all honest men, who ar your Lordships friends, that the King and Deuk ar lyk to understand so well there interest. I knou certenly that the Ch[ancelors] friends wryt that he will demit, and thinks he does not his business right at Court. It is very wysly don in your friends, not to bragg too much of your affairs, hou ever succesfull, for they wryt very modestly, yet so as they ar understood. I hop when your great concerns ar over, you will mind your friends. The tuo years purchass lays still over my head, tho I have the Kings promise that I should pay nothing, and the bond for the superplus of the fynes of Galloway, tho' the King ordered a letter impouring your Lordship to give acount of what we should have, both for expence and reward; and this I may saifly say was spent. I can doe nothing but recomend all to your goodness, for I need not wryt to the Deuk; a word from your Lordship will doe it. I hop my lord Midleton will doe me that justice as to give you acount how sincer I was for your service when I was there, tho I was not able to doe any thing, and that your Lordship did not need me. I flatter myself with the hopes that you will doe me such good offices with his R. H. as you have often don heretofor to so good purpose; so that I will not need to fear any misrepresentations can be made against me. I am, my Lord, your most humble and most faithfull servant,

J. Grahame.

Mr. Menzys can not lieve many days, and honest Colin and his friends relays mightily upon your Lordship.

224. Had come by Douglas and Mauchline—intelligence of the country people.

Streven, August the 5, 1684.

My Lord, I came by Douglas and Ocheltrie, and by Machline and Neumilles, which is the muir contrey, and from this I am going throu

Ranfrou and through the laigh pairts of the shyr of Air up to Drummelington. The foot is marched this night from Air to the Foggy Road, and from that they goe east al the way throgh the hilles to Moffet. I have writen to the garisons of Galloway to drawe out and march al along on the right, and I with the troupes I have here will march on their left on this seid the hilles. I caused make a search throu there muirs a purpose to chease them from this to the hilles, and make them think themselfs seeur there, but they have such intelligenec that there is no surprising them. When we cam here, they told they heared of my coming ; and last night I was asking if there wer any troupes at Neumilles as I came from Machline, and tho it was undernight and no body but my owen servants, they told me my lord Ross troupe was there and that I was expected. I fear we doe nothing, for so soon as I com I fynd they acquaint all the contrey expecting a search. I shall be with your Lordship on Monday, and give you my opinion of the state of things here. I am, my Lord, your most faithfull and most humble servant,

J. Grahame.

For the Marques of Queensberry, Lord High Treasuror of Scotland at
Edinbourg.

225. Willing to do him service. Dudhope, 25 August, 1684.

My Lord,—By a letter from Mr. Colin Makenzy I hear your Lordship will advertise me when you have any service for me. Houver, I thoght it my deuty to lait your Lordship knou that whyll I injoy here the fruits of your faveur, I am not unmindfull what I awe you ; and tho your Lordship have nothing to eomand me, I will wait on you at Edinbourg befor you goe hom. Tho I stay a feu days here, I hop no body will reproach me of eating the bread of ydleness, seing no body has and will goe mor cheerfully about any thing that concerns the Kings or your Lordships service, then, my Lord, your Lordships most humble and obedient servant,

J. Grahame.

Didop, August 25, 1684.

226. Meeting with Queensberry's friends—Supply offered by the shires.

Bruntelin, October 30, [e. 1684].

My Lord, That day I pairted from Sir Robert Dayells I came to Edinbourg with clear day light, and your letters were delyvered to Heu Wallaees wife in good time. I souped at Blairs with my Lord Baleares, Drumeller, the Advoeat and severall others. Nixt morning I sawe our friends saive the Register, who was not eom to toun. I spok about Fyfe and the Lauthians joining in this suplie. Many thinks it raisonable ; but Balcares told me friely that he durst not undertake it ; and when I spok to him that others would, that pretended to mor interest in that contrey, he laghed at it. Yesterday I dined at Blairs with the Chancelor, Secretary, and all the good compagnie in toun ; and it was said that Nidsdelle had given nothing, beeause it was left to the Councell to impose, which they in all apearence would not doe. I doe not knou if it was heared by all, but I said out, that I believed those of the seeret comittie would not refuse to tell their privat opinion, and without any act of Councell my Lord Treasurer woud cause these shyrs make offer acordingly. I told that the raison why the offer was in generall terms was, that they thoght the goverment would not think it raisonable to take so much af them as af Galloway, and yet they thoght it might seem not loyall anogh to offer less. I am informed that it is said that

we ar far short of Clidsdelle in the Bond of Peace, and that Clidsdelle could have been broght to tuenty moneths suplie, if the Bond had been in the terms Galloway or Nidsdelle took. As to that, I said that befor we sawe that draught, we had proposed all we thought raisonable or practicable ; but we could have easily broght them to seign the other, if we had thought it good for any thing, but to insnair people. Houver, I fynd it is the opinion of your Lordships friends, and the President tells me he desyred Heu Wallace to wryt so to you, that it wer good to cause the Bond be seigned according to their draught of Clidsdelle, and after it might be explained and restricted here. If your Lordship think fit to send it to my brother with order to see it seigned, I dout not but it will be don, and Lagg may doe so in Kilkoubright, in Niddelle (*sic*) and Anandelle. Your Lordship may doe it being on the place ; after which they will have nothing to say, and when it is don, I think it should be altered, for it is unjust to desyr of others what we would not doe our selfs. For I declair I think it a thing not to be desyred, that I should be forfeited and hanged, if my tènents wife, tuenty mille from me, in the midest of hilles and woods give mate or shelter a fugitive. The Register I could not see, but I have writen from this my mind to him. All your Lordships friends ar very desyrous to see you soon at Edinbourg, for things will take no setlement till then. I dessein to be over again the end of the nixt week. My Lord Lauderdaille is com doun, and desseins, as I hear, to goe briskly on and lait lay the submission in my affair. But in this and all other things, I relay upon your Lordship intyrrly ; and, tho I can not make so many compliments as others doe, yet I am with all sincerity and respect, my Lord, your most humble and faithfull servant,

J. Graham.

My Lord, excuse this way of wryting for peaper is as ill to be hade here as at Kilkoubright.

227. Lady Erroll, the Chancellor, Sir George Lockhart etc.

Edinbourg, November 4, [c. 1684].

My Lord, Last night I had the honor of your Lordships, and this day after sermons Heu Wallace told me he was just going to dispatch your servant. I begged him to delay so long as I could see my Lady Arroll, because the Ch[ancelor] had been there. She bids me tell your Lordship that there passed a great deall betuixt them : but, because he complained that things he had only told to your Lordship and her wer com abraad, she thought best to forbear giving you acount of it till meeting. I hear he is mad against me, tho I have mor raison to be so against him. He and all his people seem very confident, and they say talks briskly. Houver, by all I have yet heared they have no very solid fundation. Sir George Locart is com home, who it is thought, has been a considerable agent, and has got a neu light, for as I hear he stood to Glory to the Father with the Ch[ancelor] to-day. My Lord Lauderdell came up in the coateh from Lieth with the Ch[ancelor] and was above ane hour closs with him imediatly after he came up, and Sir John Dalrimple is assidous there as he used to be. It is said here the Treasurer Deput is coming doun, but my Lady Aroll bids me tell you not to lait him stur till my Lord Pr[esident] be com aff, for it is thought things will be as hot as ever, and that this man has wryten up having nou heared all that they alleadge has been said against him, and will be vindicat. He and I fell fooll in councell yesterday about the fanatiks bakslyding and the causes of it. I told that we wer interupted by his telling that those who had taken the test could not be fynd, and that there wer abundance had

taken it, as I was informed, and yet would not lieve orderly. Little or nothing of moment was don. Deuk Hamiltone is to be in on Wedensday, and that business of his will turn to nothing, for Meldrums will not be heared of, he being gon north. And for the other about the conventicles, he will say he did all diligence so soon as he was advertised, and it will be taken of his hand. Mr. Johnston, my Lord Deuks writer, was this day wait on the Ch[aneelor] from his Grace, and the Ch[aneelor] bid him asseur the Deuk, that he should not be wronged where he sat. It is said here that your Lordship stays out of the way a purpose because of that business. I am to goe out and meet the Advocat at Musselbrogh, that I may prepair him befor he eom in. I am mighty glaid to hear he has got; it will be a great mortification to som, for they deseign his ruin by all imaginable means. I long to see your Lordship, and am, my Lord, your most faithfull and most humble servant,

J. Grahame.

For the Marquess of Queensberry, Lord High Treasurer of Scotland.

228. The shooting of John Broun ; confession of John Brounen.

Gaston, May the 3, 1685.

May it please your Graee, On Frayday last amongst the hilles betuixt Douglas and the Plellands, we perseued tuo fellous a great way throu the mosses, and in end seised them. They had no armes about them and denayed they had any, but being asked if they would take the abjuration the eldest of tuo called John Broun refused it, nor would he swear not to ryse in armes against the King, but said he kneu no King; upon which, and there being found bullets and mateh in his house and treasonable peapers, I eaused shoot him dead, whieh he suffered very inecconcernedly. The other, a yong fellow, and his nepheu, called John Brounen, offered to take the oath; but would not swear that he had not been at Neumilles in armes at the rescuing the prisoners. So I did not knou what to doe with him. I was convinced that he was guilty, but sawe not hou to proeceed against him; wherfor after he had said his prayers and carabins presented to shoot him, I offered to him that if he wold make ane ingeneous confession and make a discouverie that might be of any importancce for the Kings service, I shoulde delay putting him to death, and plead for him; upon which he confessed that he was at that attake of Neumilles, and that he had com straight to this house of his uncles on Sunday morning. In the time he was making this confession the souldiers found out a house in the hille under ground, that eould hold a dusen of men and there wer swords and pistolles in it; and this felon declaired that they belonged to his uncle, and that he had lurked in that place ever sinne Bothwell where he was in armes. He confessed that he had a halbart and told who gave it him about a month agoe, and we have the feleou prisoner. He gave aecount of the names of the most pairet of those that wer there. They wer not above sixty and they wer all Gaston and Neumilles men, saive a feu out of Streven parish. He gave also aecount of a conventicle kept by Renek at the bak of Carantable, where there wer threttin seor of men in armes mustered and exersised, of which number he was with his hallard. He tells of ane other conventicle about three moneths agoe kepted near Louden Hille, and gives aecount of the persons wer at both and what childring wer baptised, particularly that at Carnstable which was about the time that Liev: Muray and Crielton should have laiten them eskeap. He also gives aecount of those who gave any assistance to his uncle, and we have scised there upon the good man of the upmost Plellands and ane other tenent about a myll belou that is flaid upon it. I dout not but if we

had time to stay, good use might be made of his confession. I have acquyted my self when I have told your Grace the caise. He has been but a moneth or tuo with his halbart; and if your Grace thinks he deserves no marcy, justiee will pass on him, for I having no comission of justiciary myself have delyvred him up to the Lieuetcuent Generall to be disposed of as he pleases. I am, my Lord, your Graees most humble servant,

J. Grahame.

229. Sorry to have offended his Grace—had used his tenants well—disposal of troops.

Jolinstoun, Jun 16, 1685.

May it please your Grace, I am very sorry that any thing I have don should have given your Grace occasion to be dissatisfyed with me, and to make complaints against me to the Earle of Dumbarton. I am convinced your Grace is ill informed, for after you have raid what I wrot to you tuo days agoe on that subject, I dar say I may refer myself to your owen sensur. That I had no dessein to make great search there, any body may judge. I came not from Air till after eleven in the fornoon, and went to Bellagen with fourty heritors (*sic*) again night. The Sanquair is just in the road, and I used these men I mett accidentally on the road better then ever I used any in these circumstanees, and I may saively say that as I shall answer to God if they had been lieving on my ground I could not have forborn drawing my sword and knoking them doun. Houever, I am glaid I have recalued my Lord Dumbartons orders anent your Graces tenents which I shall most punctually obey, tho I may say they wer saif as any in Scotland befor. Your Grace may remember you signfyed your opinion to me that the heritors of Nidsdelle would be better in the centrieall pairts of the shyr then at Dumfries, and the generall persones have given orders they should be assisting to the Highlanders at the Leadhilles, which I have signfyed to the Earle of Anandelle. Nevertheless he wryts to me, that he is to march to morou by four a cloak in the morning to Anan, and tells me that he expects that therupon I will stop the march of the troopes that I had ordered to Anan or Canapie parishens for the gaird of the Border. I have writen to my Lord my opinion, and with all told him that if he be very positive in the thing, I am not to hinder him. I am unwilling to shok any body that serves the King in such a time, tho I think it not just that my lord or any other should think to exclud the rest of the forces from doing their deuty in any paire they ar comanded too. If he come to Anan, Drumeller to Canopie, and Kilseith at Ewes, they will be too thik. I am, my Lord, your Graces most humble servant,

J. Grahame.

My Lord Anandelle wrytes to me, that he has got of late instructiones from the secret eomittie to act with his heritors for the seurity of that contrey; by which I perceive he concluds he is to take his measur by himself, and therupon has taken that resolution to goe to Anan contrary to what I had wryten to him was the Generalls mind.

230. The Movables of rebels.

Thorleshope, July 3, 1685.

May it please your Grace, Some time agoe I hade ane order seigned by your Grace and some othcr of the lords of the secret comittie, to apley the movables of rebelles for the maintenence of the forces; and accordingly I gave to them all the sheep and couse wer eatable; these

hat wer not I caused carry in to Ingland, and make mony of them, of which I have recovered fourty pounds sterlinc, which I desseined for the Highlanders of Leadhilles; but seeing they ar gon home I have sent it to the Earle of Homes regiment; for Sir William Douglas has got for his a'bove a hondred pound sterlinc of the mony of the D: of Monmouthes regiment as they call it here. There is a hondred pound sterlinc owing by bond for mor of the rebelles goods by persones in Ingland, but is not payable till Lambas. So your Grace will be pleased to lait me knou if you aprove of what is don, and what way you will have me to dispose of that mony when it falls deu. I am, my Lord, your Graces most humble servant,

J. Grahame.

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